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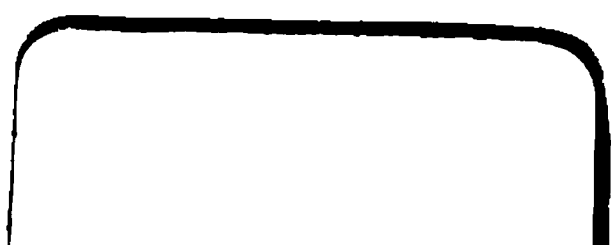
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STATE OF NEW HAMPSHIRE

CONVENTION

...

REVISE THE CONSTITUTION

JUNE 5, 1918

JANUARY 13, 1920

JANUARY 28, 1921

PRINTED BY JAMES H. CLARK COMPANY  
1921



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STATE OF NEW HAMPSHIRE.

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CONVENTION

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REVISE THE CONSTITUTION

JUNE, 1918

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**JOURNAL**  
**OF THE**  
**CONVENTION TO REVISE THE**  
**CONSTITUTION**

**JUNE, 1918**

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CONCORD, N. H., June 5, 1918.

The delegates of the Convention to Revise the Constitution assembled in the hall of the House of Representatives on Wednesday, June 5, 1918, and were called to order by Major William H. Trickey of Tilton.

Prayer was offered by Reverend William Hathaway Pound, delegate in the Convention from Wolfeboro.

*Mr. Rosecrans W. Pillsbury of Londonderry.*—In this day when patriotism stands above partisanship, when we are all devoted to the common weal, we desire to honor men for their worth. I feel honored to present to this Convention as temporary chairman a man who fifty-nine years ago served in this hall as a member of the Legislature, a man who has served his State in the Halls of Congress, a man who has been a citizen we have all delighted to honor. It gives me great pleasure to present to you the name of Hon. Hosea W. Parker of Claremont as temporary presiding officer of this Convention.

On motion of Mr. Rosecrans W. Pillsbury of Londonderry, Hon. Hosea W. Parker of Claremont was chosen temporary chairman of the Convention by acclamation.



Messrs. Rosecrans W. Pillsbury of Londonderry and James F. Brennan of Peterborough were chosen a committee to escort the temporary chairman to the chair.

On assuming the chair, Mr. Parker addressed the Convention as follows:

*Gentlemen of the Convention:*

Be assured that I duly appreciate the distinguished honor which you have conferred upon me. I thank you sincerely from the bottom of my heart for this great honor. We have gathered here today, gentlemen, to discharge an important duty to our State. Let us all act together, having in mind the best interests of the State we love so well. It is not for me, gentlemen, to take up your time or attention with any extended remarks. I therefore await your pleasure.

On motion of Mr. James O. Lyford of Concord, Mr. A. Chester Clark of Concord was chosen temporary secretary.

Mr. Clark appeared and qualified as temporary secretary.

On motion of Mr. William T. Kinney of Claremont:

*Resolved*, That a committee, consisting of twenty delegates, be appointed by the chair to inquire who are elected delegates to this Convention and that each county shall be represented thereon.

The following named gentlemen were appointed as such committee:

#### COMMITTEE ON CREDENTIALS.

##### SULLIVAN COUNTY.

William E. Kinney of Claremont.  
Murvin A. Bailey of Sunapee.

WEDNESDAY, JUNE 5, 1918.

5

ROCKINGHAM COUNTY.

Ernest G. Templeton of Exeter.  
Oliver B. Marvin of Newcastle.

STRATFORD COUNTY.

Elisha C. Andrews of Somersworth.  
James Marshal of Dover.

CARROLL COUNTY.

Arthur E. Kenison of Ossipee.  
Charles H. Morey of Hart's Location.

BELKNAP COUNTY.

Edgar W. Smith of Center Harbor.  
William H. Moses of Tilton.

MERRIMACK COUNTY.

Henry H. Metcalf of Concord.  
Harry G. Dean of Danbury.

HILLSBOROUGH COUNTY.

Orville D. Fessenden of Brookline.  
John J. McAllister, Jr., of Manchester.

CHESHIRE COUNTY.

George W. Pierce of Winchester.  
Stephen A. Bullock of Richmond.

GRAFTON COUNTY.

Edward Woods of Bath.  
Elmer E. Woodbury of Woodstock.

## COOS COUNTY.

George E. Hutchins of Berlin.

Charles E. Philbrook of Shelburne.

Mr. Kinney of Claremont, for the Committee on Credentials, reports that *prima facie* evidence has been presented to them of the election of the following named gentlemen as delegates to this Convention:

Acworth . . . .	Henry A. Clark
Albany . . . .	Frank O. Hammond
Alexandria . . . .	Perley H. Sleeper
Allenstown . . . .	Fred S. Eastman
Alstead . . . .	Chauncey J. Newell
Alton . . . .	Ellsworth H. Rollins
Amherst . . . .	Jonathan S. Lewis
Andover . . . .	George W. Stone
Antrim . . . .	James E. Perkins
Atkinson . . . .	Eugene E. Sawyer
Auburn . . . .	Henry C. Sanborn
Barnstead . . . .	George J. Whitney
Barrington . . . .	Frank McDaniel
Bartlett . . . .	Eben O. Garland
Bath . . . .	Edward Woods
Bedford . . . .	Edmund B. Hull
Belmont . . . .	Brock Dearborn
Bennington . . . .	Ansel C. Smart
Benton . . . .	Lebina H. Parker
Berlin — Ward 1 . . . .	George W. Gordon
	Joseph Howard Wight
	Henry M. Moffett
Ward 2 . . . .	Philippe E. Beaudoin
	William Robinson Brown
	James Clare Curtis
Ward 3 . . . .	Andrew P. Berquist
	John A. Burbank
	Ernest J. Couture

Berlin — Ward 4	.	.	George E. Hutchins
Bethlehem	.	.	Walter H. Clark
Boscawen	.	.	Willis G. Buxton
Bow	.	.	Robert W. Upton
Bradford	.	.	Frank J. Peaslee
Brentwood	.	.	Burton L. Smith
Bristol	.	.	John R. Connor
Brookfield	.	.	Guy L. Churchill
Brookline	.	.	Orville D. Fessenden
Campton	.	.	Willard C. Pulsifer
Canaan	.	.	James B. Wallace
Candia	.	.	Benjamin F. Lang
Canterbury	.	.	William W. Wheeler
Carroll	.	.	William H. Gall
Center Harbor	.	.	Edgar W. Smith
Charlestown	.	.	Frank W. Hamlin
Chatham	.	.	Hazen Chandler
Chester	.	.	George D. Rand
Chesterfield	.	.	Harold E. Randall
Chichester	.	.	Frederick B. Shaw
Claremont	.	.	Ira G. Colby
			William E. Kinney
			Hiram G. Sherman
			Henry E. Charron
			Hosea W. Parker
			George W. Paul
Clarksville	.	.	Charles L. Felton
Colebrook	.	.	John D. Annis
			Darwin Lombard
Columbia	.	.	John Gray
Concord — Ward 1	.	.	Elmer U. Sargent
			Charles P. Coakley
Ward 2	.	.	Phileas P. Belanger
Ward 3	.	.	Levin J. Chase
Ward 4	.	.	John P. George
			James O. Lyford
			Frank S. Streeter

Concord — Ward 5	.	.	Arthur H. Chase
			Fred C. Demond
Ward 6	.	.	DeWitte C. Howe
			John H. Brown
			Arthur F. Sturtevant
Ward 7	.	.	Albert W. Thompson
			Frank P. Quimby
			Henry H. Metcalf
Ward 8	.	.	Edson J. Hill
Ward 9	.	.	Charles J. French
			Joab N. Patterson
Conway	.	.	James L. Gibson
			Lorin D. Goulding
			Arthur R. Shirley
Cornish	.	.	William E. Beaman
Croydon	.	.	Edgar W. Davis
Dalton	.	.	William B. Aldrich
Danbury	.	.	Harry G. Dean
Danville	.	.	Willis C. Tuck
Deerfield	.	.	Charles R. Brown
Deering	.	.	Harlan C. Smith
Derry	.	.	Edmund R. Angell
			Benjamin T. Bartlett
			Walter R. Sanders
			Edwin B. Weston
Dorchester	.	.	Azro H. Schoolcraft
Dover — Ward 1	.	.	William E. Rines
			Clarence I. Hurd
Ward 2	.	.	Eugene Smart
			Frank I. Smith
			Charles A. Wentworth
Ward 3	.	.	Dwight Hall
			John T. Welch
Ward 4	.	.	James Marshall
			Thomas Sherry
			James H. McKeon

Dover — Ward 5	.	.	John H. Wesley
Dublin	.	.	Harry A. G. Abbe
Dummer	.	.	Fred U. Woodward
Dunbarton	.	.	John Buntin
Durham	.	.	Charles H. Pettee
East Kingston	.	.	Frank B. Tilton
Easton	.	.	Charles A. Young
Eaton	.	.	Walter D. Stuart
Effingham	.	.	Richard Dearborn
Ellsworth	.	.	Henry B. Keniston
Enfield	.	.	Joseph B. Perley
Epping	.	.	Joseph A. Edgerly
Epsom	.	.	Charles F. Haynes
Errol	.	.	Nathaniel R. Leach
Exeter	.	.	Charles S. Bates
			John Scammon
			Ernest G. Templeton
			Albert S. Wetherell
Farmington	.	.	Eugene P. Nute
			John Waldron
Fitzwilliam	.	.	Clarence M. Damon
Fracestown	.	.	Edwin W. Farnum
Franconia	.	.	Philip W. Ayres
Franklin — Ward 1	.	.	Gilbert Hodges
Ward 2	.	.	Thomas N. Lapointe
			Hector Morin
Ward 3	.	.	Walter F. Duffy
			Omar A. Towne
Freedom	.	.	William A. Bennett
Fremont	.	.	Stephen A. Frost
Gilford	.	.	George W. Morrill
Gilmanton	.	.	Royal L. Page
Gilsum	.	.	Osmon H. Hubbard
Goffstown	.	.	Benjamin F. Greer
			Frank A. Parker
Gorham	.	.	Alfred R. Evans
			Thomas H. McHugh

Goshen . . . .	Willard R. Whitney
Grafton . . . .	Fred Gage
Grantham . . . .	Perley Walker
Greenfield . . . .	Edwin C. Hopkins
Greenland . . . .	Nathaniel P. Ordway
Greenville . . . .	Louis O. Boisvert
Groton . . . .	Willard H. Hunkins
Hampstead . . . .	Frank W. Emerson
Hampton . . . .	Joseph B. Brown
Hampton Falls . . . .	Walter B. Farmer
Hancock . . . .	Cristy H. Duncan
Hanover . . . .	Edwin J. Bartlett
Harrisville . . . .	Elwyn W. Seaver
Hart's Location . . . .	Charles H. Morey
Haverhill . . . .	Luther C. Butler
	William E. Lawrence
	Herbert E. Smith
Hebron . . . .	Frank O. Morse
Henniker . . . .	Curtis B. Childs
Hill . . . .	Ellon S. Little
Hillsborough . . . .	Stillman H. Baker
	George W. Haslet
Hinsdale . . . .	William G. Booth
Holderness . . . .	Nathan B. Cox
Hollis . . . .	Daniel W. Hayden
Hooksett . . . .	Eugene S. Head
Hopkinton . . . .	Henry C. Davis
Hudson . . . .	John J. Baker
Jackson . . . .	Walter I. Wentworth
Jaffrey . . . .	George H. Duncan
	Will J. Mower
Jefferson . . . .	George C. Evans
Keene — Ward 1 . . . .	William J. Callahan
	Charles M. Norwood
Ward 2 . . . .	Charles A. Madden
	Jerry P. Wellman



Keene — Ward 3	.	.	Frank Huntress
			William H. Watson
Ward 4	.	.	Edward A. Kingsbury
Ward 5	.	.	Wallace E. Mason
Kensington	.	.	Herbert M. Prescott
Kingston	.	.	Henry L. Sweeny
Laconia — Ward 1	.	.	Arthur F. Clough
Ward 2	.	.	William B. Johnson
			Arthur W. Spring
Ward 3	.	.	Elmer S. Tilton
Ward 4	.	.	Fletcher Hale
			William A. Plummer
Ward 5	.	.	Lester Philbrook
			Fred A. Young
Ward 6	.	.	Charles F. Locke
			Charles H. Perkins
Lancaster	.	.	John T. Amey
			Bernard Jacobs
			Merrill Shurtleff
Landaff	.	.	Charles E. Noyes
Langdon	.	.	William Hall
Lebanon	.	.	Thomas P. Waterman
			Fred A. Jones
			Frank U. Bell
			Alfred E. Lord
			John Byrne
Lee	.	.	Josiah True Bartlett
Lempster	.	.	Arthur L. Benway
Lincoln	.	.	Alfred Stanley
Libson	.	.	William E. Price
			George W. Pike
Litchfield	.	.	Norris C. Griffin
Littleton	.	.	Fred H. English
			Harry M. Morse
			George A. Veazie
Londonderry	.	.	Rosecrans W. Pillsbury
Loudon	.	.	Lewis L. Towle

Lyman . . . .	John E. Clough
Lyme . . . .	David A. Grant
Lyndeborough . . . .	Charles H. Tarbell
Madbury . . . .	William H. Knox
Madison . . . .	Walter Kennett
Manchester — Ward 1 .	Robert R. Chase
	Robert E. Wheeler
	Allan M. Wilson
Ward 2 .	Jesse B. Pattee
	Fred S. Pillsbury
	Victor W. Roy
	Harry W. Spaulding
Ward 3 .	Albert O. Brown
	Ludger J. Deschenes
	Frank E. Farrell
	Frank C. Livingston
	Horace A. Redfield
	Carl E. Rydin
Ward 4 .	Marshall C. Blanchard
	John B. Cavanaugh
	Hertel Pariseau
	Herman A. Schellenberg
	Eugene B. Worthen
Ward 5 .	Frank X. Carroll
	James H. Collins
	William B. Eagan
	William F. Glancy
	John J. Gorham
	Richard H. Horan
	Peter J. Magan
	Daniel J. McCarthy
	Michael J. McNulty
Ward 6 .	Andrew B. Bunton
	George I. McAllister
	John J. McAllister, Jr.
	Richard R. Allen
	Frank P. Newman

Manchester — Ward 7	.	Martin L. Mahoney John J. Ryan Patrick J. Ryan
Ward 8	.	Joseph Chevrette John J. Connor Mark B. Flanders Cornelius J. Sullivan, Jr.
Ward 9	.	Charles E. Chapman Samuel F. Davis Clinton I. Dow Robert Edgar James A. Sayers
Ward 10	.	William McElroy Frank H. Emerson Henry Weber
Ward 11	.	George J. Gingras Charles J. McLaughlin John G. Whelpley
Ward 12	.	Joseph Laberge Cyprien J. Belanger Henry Hebert Charles A. Pecor
Ward 13	.	Eugene Bailly Noel Devost Adelard J. Francoeur Remi Gagnon William M. McCarthy
Marlborough	.	Merrill Mason
Marlow	.	Rockwell F. Craig
Mason	.	Tracey A. Eaton
Meredith	.	John F. Beede
Merrimack	.	James C. F. Hodgman
Middleton	.	Meander H. Davis
Milan	.	Frank M. Hancock
Milford	.	Charles S. Emerson Arthur L. Keyes Benjamin F. Prescott

Milton . . . .	Bard B. Plummer
Monroe . . . .	Daniel R. Gilchrist
Mont Vernon . . . .	Frank O. Lamson
Moultonborough . . . .	James E. French
Nashua — Ward 1 . . . .	Marshall D. Cobleigh
	Charles J. Hamblett
Ward 2 . . . .	Elijah R. Shaw
	Leon T. Robichaud
Ward 3 . . . .	John P. Lampron
	Toussaint Ledoux
	Narcisse H. Salvail
Ward 4 . . . .	William E. Foisie
Ward 5 . . . .	Frederick J. Gaffney
	Stephen L. Hallinan
Ward 6 . . . .	William J. O'Neil
Ward 7 . . . .	Curtis R. Bresnahan
	Fred J. Crowell
	Jeremiah J. Doyle
Ward 8 . . . .	Edward Everett Clark
	Ralph W. Holt
	John T. Winn
Ward 9 . . . .	Cleophas Cote
	Charles Dionne
	Napoleon Laplante
	George Theriault
Nelson . . . .	Fred A. Scott
New Boston . . . .	George A. Prince
Newbury . . . .	Joseph A. Donigan
Newcastle . . . .	Oliver B. Marvin
New Durham . . . .	Dana P. Jones
Newfields . . . .	Bert P. Doe
New Hampton . . . .	Bert G. Ordway
Newington . . . .	Jackson M. Hoyt
New Ipswich . . . .	Philip F. Gordon
New London . . . .	Justin O. Wellman
Newmarket . . . .	Louis Philippe Beaudet

Newmarket	.	.	.	George H. Towle, Jr.
				George H. Willey
Newport	.	.	.	Jesse M. Barton
				John L. Dame
				Frank A. Rogers
Newton	.	.	.	John E. Hayford
Northfield	.	.	.	Albert S. Carter
North Hampton	.	.	.	Thomas B. Shaw
Northumberland	.	.	.	Arthur C. Aldrich
				Antipus H. Curtis
Northwood	.	.	.	John G. Towle
Nottingham	.	.	.	Arthur W. McDaniel
Orange	.	.	.	Frank H. Wendell
Orford	.	.	.	Alvah M. Stevens
Ossipee	.	.	.	Arthur E. Kenison
Pelham	.	.	.	Forest E. Kelley
Pembroke	.	.	.	Lawrence C. Bates
				Edward M. Fowler
				Charles B. Rogers
Peterborough	.	.	.	Mortier L. Morrison
				James F. Brennan
Piermont	.	.	.	Arlo E. Barnard
Pittsburg	.	.	.	Charles H. Johnson
Pittsfield	.	.	.	Richard B. Bartlett
				Frank H. Sargent
Plainfield	.	.	.	Frank W. True
Plaistow	.	.	.	Fred P. Hill
Plymouth	.	.	.	Alvin F. Wentworth
				Frank J. Beal
Portsmouth — Ward 1	.			Thomas Entwistle
				Edward Percy Stoddard
Ward 2	.			Alfred F. Howard
				Calvin Page
				Frederick M. Sise
Ward 3	.			William Cogan
				Thomas A. Ward

Portsmouth — Ward 4	.	William J. Cater
Ward 5	.	Eugene B. Eastman
Randolph	.	Laban M. Watson
Raymond	.	David L. Fellows
Richmond	.	Stephen A. Bullock
Rindge	.	Harris H. Rice
Rochester — Ward 1	.	Wilber F. Cole
Ward 2	.	Ernest C. Wescott
Ward 3	.	John Levi Meader
Ward 4	.	Alcide Bilodeau
		John Young
Ward 5	.	Leslie P. Snow
Ward 6	.	Roy C. Horne
		Charles W. Varney
Rollinsford	.	William F. McNally
		James F. Philpott
Roxbury	.	Thomas M. Dillingham
Rumney	.	Edward A. Elliott
Rye	.	Alba R. H. Foss
Salem	.	Frank D. Wilson
		Chester T. Woodbury
Salisbury	.	John Shaw
Sanbornton	.	Robert M. Wright
Sandown	.	John W. Lovering
Sandwich	.	Charles B. Hoyt
Seabrook	.	Phineas F. Beckman
Sharon	.	Calvin A. Hurd
Shelburne	.	Charles E. Philbrook
Somersworth — Ward 1	.	Elisha C. Andrews
Ward 2	.	Haven Doe
Ward 3	.	Laurent J. Gaudreau
Ward 4	.	John Parsons
		Clement P. Roy
Ward 5	.	Peter M. Gagne
South Hampton	.	Charles F. Floyd
Springfield	.	Curtis J. Nichols
Stark	.	Ervin J. Cole

Stewartstown . . .	Leon D. Ripley
Stoddard . . .	Henry E. Spalding
Strafford . . .	Alvin E. Thomas
Stratford . . .	John C. Hutchins
Stratham . . .	Charles W. Whitcomb
Sullivan . . .	Eugene Marston
Sunapee . . .	Murvin A. Bailey
Surry . . .	Mason A. Carpenter
Sutton . . .	Herbert L. Pillsbury
Swanzey . . .	Frank S. Faulkner
Tamworth . . .	Martin L. Schenck
Temple . . .	Charles W. Tobey
Thornton . . .	John F. Merrill
Tilton . . .	William H. Trickey
	William H. Moses
Troy . . .	Asa C. Dort
Tuftonboro . . .	John A. Edgerly
Unity . . .	Frank Reed
Wakefield . . .	Arthur L. Foote
Walpole . . .	Alfred Clarke
	William J. King
Warner . . .	Mason T. Ela
Warren . . .	Frank C. Clement
Washington . . .	Sumner N. Ball
Waterville . . .	John H. Foster
Weare . . .	George H. Eastman
Webster . . .	Henry F. Pearson
Wentworth . . .	David L. Goodwin
Wentworth's Location . . .	Lewis H. Coy
Westmoreland . . .	Asa A. Whitman
Whitefield . . .	Edgar M. Bowker
Wilmot . . .	Wesley S. Wells
Wilton . . .	Joshua F. Frye
Winchester . . .	LaFell Dickinson
	George W. Peirce
Windsor . . .	Frederick J. Hughes
Windham . . .	Charles I. Nelson



Wolfeboro	.	.	.	Joseph T. Meader
				William Hathaway Pound
Woodstock	.	.	.	Elmer E. Woodbury

The committee also report that Mr. George W. Gordon of Berlin and Mr. Edson J. Hill of Concord have died and that Mr. Frank J. Peaslee of Bradford has resigned. At special elections Mr. Everett Kittredge has been elected a delegate from Bradford, and Mr. William A. Lee has been elected from Ward Eight, Concord.

The committee recommend that Mr. Everett Kittredge of Bradford, and Mr. William A. Lee of Ward Eight, Concord, be seated as delegates to fill vacancies.

The committee further report that no delegates have been elected from Livermore and Bridgewater, and that on account of a tie vote no certificate of election has been issued in Ashland, and only one certificate of election has been issued in Hanover, which is entitled to two delegates.

The report of the committee was accepted and its recommendations adopted.

On motion of Mr. Duncan of Jaffrey, the following resolution was adopted:

WHEREAS, The election for the choice of delegates to this Convention in Ashland and Hanover resulted in a tie vote, with no choice, thereby depriving the town of Ashland of representation herein and the town of Hanover of one half of its representation, be it

*Resolved*, That Albion Kahler and Theodosius S. Tyng, both of Ashland, and Horace F. Hoyt and Frank A. Updyke, both of Hanover, be seated in this Convention as delegates from their respective towns, with one half vote each, and with full pay.

The roll of the Convention was then called and 426 gentlemen answering to their names, a quorum of the Convention was declared present.

*Mr. Snow of Rochester.*—I am sure it is the desire of this Convention to have a permanent organization as speedily as possible. We have no time, gentlemen, to waste in complimentary votes or useless balloting. We are fortunate in having one member whose fitness for the high office of President is recognized by us all, a man of large experience, a man of sound judgment, a lawyer, a financier, and a public servant of tried capacity.

Mr. Snow of Rochester moved that the Convention proceed to the election of a President of the Convention, and that the temporary secretary be instructed to cast one ballot as the ballot of the Convention for Hon. Albert O. Brown of Manchester for President of the Convention. The motion was seconded by Mr. Harry W. Spaulding, Manchester.

Question being on the motion of Mr. Snow of Rochester, —

On a *viva voce* vote, the motion of Mr. Snow of Rochester was adopted.

Total number of ballots cast .....	1
Necessary to a choice .....	1
Hon. Albert O. Brown of Manchester had .....	1

and Hon. Albert O. Brown of Manchester was declared elected President of the Convention.

Messrs. Streeter of Concord and Hutchins of Stratford were appointed to conduct the President-elect to the chair.

(The President in the Chair.)

On assuming the chair, Mr. Brown addressed the Convention as follows:

**GENTLEMEN OF THE CONVENTION:**

To be selected to preside over the deliberations of those to whom the people of New Hampshire have delegated the power to revise their ancient Constitution is a great honor. In the nature of things, it can come to few men. Indeed, the roll of Convention Presidents for the whole period of the history of the State bears but nine names. For the place you have assigned to me

in this honorable succession I return my sincere thanks and my promise of faithful service.

This Convention has fallen upon solemn times. The nations are at war. Upon the ocean and upon the fields of France, our first ally, we are face to face with a formidable and malign enemy, whose purpose is the spoliation of the world. Should this design seem incredible, it is only necessary to remember that the plunder of contiguous peoples and the annexation of their territory have for more than two hundred years been the business and pastime of the Kingdom of Prussia. Meanwhile, by force and diplomacy based on force she has consolidated nearly thirty states into the foremost military power of this or any age.

It is not strange that the warlike plans of a people of such antecedents and achievements should be broad and comprehensive, if not universal. That they extend at least to us has been established out of the mouth of him who alone can make war in their support. And he has proved his words by monstrous deeds. He has destroyed our people without regard to sex or age as, exercising the rights of neutrals, they sailed the open seas. He filled our land with spies, sowed the seeds of insurrection among us, and urged other nations to attack us while his accredited representatives were yet guests in our official family. Insult followed insult and injury followed injury, until from self-respect and in self-defense we turned from the arts of peace to the arts of war.

From the first our sympathy went out to those who were struggling against the common enemy of free governments; but sentiment was powerless in the presence of unconscionable profits. Year in and year out a great fleet and great armies withstood a military machine that seemed to be irresistible and saved our shores from harm. And we accepted the benefit but declined the burden of the service. Moreover, although in our own person we were smitten on the one cheek, we failed to protect the other. It is plain we cannot regain our former position of influence and advantage, but we can in a large measure atone for our defaults. We can as one man the more fully devote our time, our means and our all to the everlasting defeat of the policy of "blood and iron."

Once in every generation America has fought a great war and concluded peace, but she has never concluded peace except upon her own terms. She is determined not to do so now, and she has counted the cost. So far the Germans and their subordinates have more than held their own with the allies. They are not greatly weakened in numbers, are not naked or hungry or

ill equipped. On the other hand, it may be doubted whether they have passed their highest efficiency. In addition to their own ample resources in men and materials, they now have behind them and largely at their command all those of eastern Europe and western Asia, the extent of which it is difficult to comprehend. But America is in the war and must "see it through."

A crisis is impending. It may be one of many. But upon success or failure of this season's campaign the final result is likely to depend. America can decide the issue. Her men, her money and her supplies, if in sufficient quantity, will turn the tide. It is our duty to make the quantity sufficient, and there is little room for any activity that does not in some degree contribute to that end.

What action this Convention shall take in the premises is for you to determine. It is not probable, however, that any proposed change in our fundamental law can be supported as a war measure. Therefore it must be agreed that as little time as possible should be spent here and none whatever wasted. Within this limitation several courses suggest themselves, any one of which it is safe to pursue. But the Convention is entirely in your hands and I await your pleasure.

On motion of Mr. Streeter of Concord, the following resolution was adopted:

*Resolved*, That Messrs. A. Chester Clark of Concord and Bernard W. Carey of Newport be elected Secretary and Assistant Secretary of the Convention respectively by acclamation.

Messrs. A. Chester Clark of Concord and Bernard W. Carey of Newport appeared and qualified as Secretary and Assistant Secretary respectively.

On motion of Mr. Quimby of Concord, the following resolution was adopted:

*Resolved*, That a committee, consisting of twenty delegates, each county to be represented thereon, be appointed by the Chair to select and report to the Convention the names of persons to fill the offices of Sergeant-at-Arms, Chaplain, four Doorkeepers, Warden of the Coat-Room, Assistant Warden of

the Coat-Room, an Official Stenographer, and an Assistant Stenographer.

The President appointed the following named gentlemen as members of such committee:

COMMITTEE ON PERMANENT ORGANIZATION.

Quimby of Concord.  
Livingston of Manchester.  
Entwistle of Portsmouth.  
Cobleigh of Nashua.  
Perkins of Antrim  
Gray of Columbia.  
Sherry of Dover.  
Nute of Farmington.  
Philbrook of Laconia.  
McNally of Rollinsford.  
Wellman of Keene.  
Ball of Washington.  
Connor of Manchester.  
Sanders of Derry.  
Perley of Enfield.  
Edgerly of Tuftonborough.  
Bilodeau of Rochester.  
Head of Hooksett  
Thompson of Concord.  
Roy of Somersworth.

On motion of Mr. Gibson of Conway, the following resolution was adopted:

*Resolved*, That a committee of twenty delegates, each county to be represented thereon, be appointed by the Chair to report rules for the government of this Convention, and recommend methods of procedure, and until the report of this committee shall have been accepted and adopted the rules of the Convention of 1912 be adopted as the rules of this Convention.

The President appointed the following named gentlemen as members of such committee:

COMMITTEE ON RULES.

Gibson of Conway.  
 Sherman of Claremont.  
 George of Concord  
 Weston of Derry.  
 Wesley of Dover.  
 Childs of Henniker.  
 Mason of Keene.  
 Chase of Manchester.  
 Horan of Manchester.  
 Pike of Lisbon.  
 Pillsbury of Manchester.  
 Wescott of Rochester.  
 Thomas of Stratford.  
 Whitcomb of Stratham.  
 Stoddard of Portsmouth.  
 King of Walpole.  
 Paul of Claremont.  
 Lombard of Colebrook.  
 Robichaud of Nashua.  
 Young of Laconia.

Mr. Lyford of Concord offered the following resolution:

WHEREAS, The United States is engaged in a world war for the preservation of civilization and for the perpetuity of free institutions — a war that will tax our resources to the utmost, a war that calls for the undivided loyalty and support of every citizen of the Republic, and the sacrifice of all material and personal considerations in the interest of humanity, and a war that has already brought German atrocities to our shores; and,

WHEREAS, Our thoughts are with our sons, our brothers and our kindred, who are shedding their blood on the bat-

tlefields of France, and whose efforts in our behalf and in behalf of the democracy of the world, should have our constant consideration; and

WHEREAS, The basic reason for calling this Convention is the desire of the people that the Constitution be amended so that the Legislature may have greater latitude in levying taxes; therefore, in view of these conditions, be it

*Resolved*, That the work of the present session of this Convention be confined to two amendments of the Constitution — an amendment giving the General Court full authority to specially assess, rate and tax growing timber without regard to the rule of proportion otherwise required in taxation; and an amendment providing for an income tax, regardless of the rule of proportion otherwise required in taxation, which shall provide for legislative authority to specially assess, rate and tax money at interest, including money in savings banks and other banks; and that when action on these amendments has been taken, the Convention adjourn, subject to the call of a committee consisting of the President of this Convention and one delegate from each county, to be appointed by the Chair, a majority of whom are hereby empowered to issue a call for the Convention to reassemble.

Question being on the resolution of Mr. Lyford of Concord, —

*Mr. Lyford of Concord.*—Mr. President, if the chair will indulge me, I should like to make a brief statement on this resolution, and I pledge you to occupy but a very few minutes. This resolution provides for the consideration of two tax amendments; one will specially rate, assess and tax growing wood and timber, and the other will provide for a general income tax, which will also include the classification of property, so that intangibles can be taxed at a different rate by the Legislature. Now, then, the first amendment has already passed the test of a Constitutional Convention. It is part of the amendment that was submitted in 1912, which failed by only a few votes of being ratified. No time will be required in considering it as



to its phraseology. It is drawn as well as it can be drawn; it is drawn to accomplish this purpose, and I understand it is acceptable to those who desire such an amendment offered. Another amendment, drawn by the tax commission, which covers the income tax and also the tax on intangibles, has had an almost unofficial sanction by members of the Court, and it probably could not be improved, and that, too, if it is the desire of the Convention to adopt it, will require no time in the consideration of its phraseology. Now, then, as to the scope of this resolution. As some of you are aware, I have been of the opinion that probably no amendment that we submit at this time, when our whole attention is focused on the war, when our casualty lists are constantly increasing, will receive the attention of the people when it is submitted to them for consideration. But in deference to an expressed desire that these two amendments should be considered, I am waiving my views on this question, that the Convention may confine itself to these two issues. Now, under this resolution, no member of the Convention is committed to either of these tax propositions. It is possible under this resolution to adopt one of these amendments and reject the other. It is possible under this resolution, if it is the sense of the majority of this Convention, to reject both propositions. I know there has been a feeling that we should adjourn without undertaking to submit any amendments, but this resolution still leaves open to you, after you have considered it, to decide that question that way, if the majority so pleases. I hope that no amendment will be offered to this resolution, or at least that no amendment if offered will be adopted. If we are to go on here and submit a number of amendments—amendments that men think are just as important as other men think their amendments are—we shall waste the time of this Convention and the money of the State. I believe that under this resolution, going into a Committee of the Whole, we can consider, first, the resolution in regard to the tax on growing timber, lumber and wood, and having acted upon that—which we can do in one day, tomorrow, or we might get at it this afternoon—we can then indicate what our desire is in acting upon the other amendment, and that, by Friday night, we can close the work of this Convention, and then leave it to a time when our attention can be given to these other propositions that members want to propose at a subsequent call of this Convention.

*Mr. McNulty of Manchester.*—Mr. President and Gentlemen of the Convention, I am not anxious to prolong this Convention, but I do not think taxation is the only vital question we are called upon to consider. Now, this war in Europe we all deplore,

but it is well that we keep our house in order. There is a campaign pending in which we are to elect members of Congress—at least, I have seen it in the papers that they hope to change the complexion of our national government this fall. Now, then, why not postpone the election of congressmen? Why not dispense with the election that is coming? State matters are important just as well as national matters. There are important questions to be considered here, gentlemen. The Constitution of New Hampshire would stand amendment. I have been a member of the New Hampshire House of Representatives and have seen good measures passed in that body, only to be killed in the Senate and never more heard of. Now, gentlemen, is it right that a minority should control New Hampshire? It is done by our legislative methods. There are other things to consider. If the gentleman from Concord, Mr. Lyford, would offer an amendment to consider making our legislature evenly balanced, I would be willing to say I would accept his resolution on taxation. Taxation isn't everything in this world. There are some things more vital than taxation of timber lands. Why, the taxation of real estate isn't right. Taxation is one of the most puzzling problems that was ever put before a human being. We all try to dodge it. These men that are interested in timber lands have got this thing all fixed for us, gentlemen; there is no question about it. They are all men of wealth. Twenty years ago you could get a thousand feet of lumber for ten dollars, and today it is forty or fifty a thousand, depending on the kind of lumber you are buying; and, gentlemen, do not adjourn this Convention because the war is going on. War is with us, as the President of the Convention has suggested. Germany has her Reichstag convene and pass laws, and in England Parliament convenes and passes laws; and there are plenty of amendments to be added to this Constitution which would make New Hampshire a much more democratic state than it is.

*Mr. Metcalf of Concord.*—I haven't any speech to unload upon the Convention. I suppose my colleague from Concord, Mr. Lyford's, resolution is before the Convention. He says he doesn't want any amendment offered to it, but I propose to submit one amendment, and I wish he would accept it, and if he shows his usual good judgment he will. I wish to amend his resolution by changing the phraseology so that it shall permit the Convention to deal with three amendments instead of two, and I will indicate the purport of my amendment. I propose that this Convention, in addition to the consideration of these two amendments, consider another, to the effect that all future amendments to the Constitution of New Hampshire be submitted

to the people for adoption by vote of the Legislature of the State by a two-thirds majority. The idea that I have in mind is to get rid of this business of calling Constitutional Conventions every seven years and allow amendments to be submitted by the Legislature, which, with all due deference to us, is just as capable a body as this. That will avoid a great deal of expense and it will enable this Convention when it adjourns to adjourn *sine die* and not come together again, saving a large amount of money in that respect; and if it appears to the next Legislature that amendments are needed by the State, it can submit them to the people and they can be adopted just as readily and just as quickly as though this Convention comes together again, at large expense to the State, and proposes some amendments. Now, if the gentleman from Concord, Mr. Lyford, will accept that amendment—I haven't put it in writing, but that is the substance of it—I shall be glad to vote for this resolution.

*Mr. Duncan of Jaffrey.*—I have the same amendment prepared in writing and I will offer it.

Mr. Duncan of Jaffrey offered the following amendment to the resolution of Mr Lyford of Concord:

Strike out the word "two" and substitute therefor the word "three" and insert after the words "other banks" the words, "and an amendment allowing the General Court to submit constitutional amendments," so that the resolution as amended shall read as follows:

WHEREAS, The United States is engaged in a world war for the preservation of civilization and for the perpetuity of free institutions — a war that will tax our resources to the utmost, a war that calls for the undivided loyalty and support of every citizen of the Republic, and the sacrifice of all material and personal considerations in the interest of humanity, and a war that has already brought German atrocities to our shores; and

WHEREAS, Our thoughts are with our sons, our brothers and our kindred, who are shedding their blood on the battlefields of France, and whose efforts in our behalf and in behalf of the democracy of the world should have our constant consideration; and,

WHEREAS, The basic reason for calling this Convention is the desire of the people that the Constitution be amended so

that the Legislature may have greater latitude in levying taxes; therefore, in view of these conditions, be it

*Resolved*, That the work of the present session of this Convention be confined to three amendments of the Constitution—an amendment giving the General Court full authority to specially assess, rate and tax growing timber without regard to the rule of proportion otherwise required in taxation; and an amendment providing for an income tax, regardless of the rule of proportion otherwise required in taxation, which shall provide for legislative authority to specially assess, rate and tax money at interest, including money in savings banks and other banks; and an amendment allowing the General Court to submit constitutional amendments; and that when action on these amendments has been taken, the Convention adjourn, subject to the call of a committee consisting of the President of this Convention and one delegate from each county, to be appointed by the Chair, a majority of whom are hereby empowered to issue a call for the Convention to reassemble.

Question being on the amendment offered by Mr. Duncan of Jaffrey to the resolution offered by Mr. Lyford of Concord, —

*Mr. Lyford of Concord.*—I have been asked by the author of this amendment to accept it. This opens up the very thing that we desired and hoped to avoid. It opens up a discussion, which, in permitting an amendment of that kind, would mean almost as many opinions as there are members of the Convention. My one reason in confining the work of this Convention to the two tax propositions is that the basic reason for calling this Convention by the people, when they voted for it, was on the subject of taxation. Now, then, the gentleman from Concord, Mr. Metcalf, and the gentleman from Jaffrey, Mr. Duncan, are interested in this amendment. There are others interested in other amendments, which they think just as important as the amendment suggested by the gentleman from Ward Seven, Concord. If you admit that, you, out of courtesy, should admit others, the initiative and referendum, perhaps a question of the election of judges by the people, the reduction of the House of Representatives, the increase of the Senate, the abolition of the Governor's

Council, and so on, until we have exhausted our appropriation and we have perhaps not agreed upon several amendments. You have got to limit this proposition here or you open the door justly, if this amendment is admitted, to the admission of other questions upon which we are not even agreed as to the form in which they shall be submitted.

*Mr. Brennan of Peterborough.* — I am in sympathy, Mr. President, with the idea that it would be expedient for this State to adopt some mode other than the one we now have to amend the Constitution, and that the initiative step, in my opinion, should be in the Legislature, where most States have it; hence I am not in opposition to the idea formulated so hastily by the gentlemen from Concord and Jaffrey; but I am opposed to having it presented in the way it is, not because it would more conveniently open the door for amendment. A convenient and well-considered mode should be adopted. There are many changes for which the door should be open, and while changes should be made in our Constitution and ought to receive our careful consideration, it is very evident that the delegates and voters are in no frame of mind during this war to give the important questions such consideration; hence we must cut the business off somewhere, and I believe it should be just where this resolution cuts it off, and I believe further that this hurriedly written, haphazard amendment to this carefully prepared resolution would leave it in a very poor, if not ludicrous form. I am not able to determine at the present moment whether this suggested amendment would entirely abolish the Constitutional Convention feature or make the introduction of proposed changes in the Constitution really emanate from both a new kind of a Convention and the Legislature. My friend, the gentleman from Concord, Mr. Metcalf, unfortunately lost his glasses and was not prepared to put it in form, and my friend, the gentleman from Jaffrey, Mr. Duncan, has come to the rescue and helped out; but the form does not satisfy me. My choice on the whole would be to extend the legislative power relative to taxing growing timber and adopting an income tax, and then adjourn until after the war; but if that cannot be, then I must be content to see adjournment without action on any measure.

*Mr. Metcalf of Concord.* — I was not proposing at this time to draft the amendment to the Constitution which I proposed should be considered by this Convention. I was simply offering an amendment to Mr. Lyford's resolution, so that this Convention could proceed to consider the three amendments instead of two. He says his amendments are all ready to be submitted. The amendment which I suggested is not ready to be submitted, but

I want to assure the gentleman from Peterborough that the intention which I have in mind is to get rid of the farce of a Constitutional Convention absolutely, and have amendments submitted hereafter by the Legislature, either by a two-thirds or three-fourths vote, as may be deemed expedient on consideration; but I hope instead that this business of voting every seven years by the people of New Hampshire upon the question, "Is it expedient to call a Convention to revise the Constitution?" where not more than one fourth of the voters ever consider that question at all, will be got rid of; and I believe that is the sentiment of three fourths of the members of this Convention here today, that this work should be abolished for the future. Now, in reference to the admission of any number of amendments if we admit this, you don't preclude the admission of other amendments any more by submitting two than you do by submitting three, and Brother Lyford is a man of sense and he knows it. Now, if we adopt a resolution in this Convention in which we consider an amendment providing for the abolishment of Constitutional Conventions and the submission in future of all proposed amendments by proper vote of the Legislature, we get rid of this farcical calling of Conventions, and we get rid of this Convention right away after these three amendments are disposed of; and we don't have to come together again at large expense to the State, but the Legislature which is in session next winter can consider any amendments that may be deemed necessary and submit them to the people if they see fit.

*Mr. Brennan of Peterborough.* — Will the gentleman permit a question?

*Mr. Metcalf of Concord.* — Certainly.

*Mr. Brennan of Peterborough.* — Is he in favor of this amendment, and if he is in favor of this amendment, does he understand this amendment abolishes Constitutional Conventions or makes the introduction of proposed amendments concurrent in the Legislature and in the House of Representatives?

*Mr. Metcalf of Concord.* — I would have it absolutely abolish Constitutional Conventions.

*Mr. Brennan of Peterborough.* — Are you in favor of this amendment?

*Mr. Metcalf of Concord.* — That amendment is really in amendment of the proposed resolution by the gentleman from Concord, Mr. Lyford.

*Mr. Varney of Rochester.* — Mr. President and Gentlemen of the Convention, I believe there exists among the members of this Convention a very strong sentiment, as well as among the people of the State, that this Convention should adjourn without taking

any definite action, and I want to say that I am one of that number. At the time the people voted for a Constitutional Convention this country was at peace. No one ever thought or could foresee at that time that when this Convention was to be held conditions would be so uncertain that the people themselves could not focus attention on the changes or proposed changes in the Constitution or could foresee what conditions the result of the war would bring to the people. Therefore, at this time it seems to me it would be well for this Convention to express its feeling as to whether it is in favor of adjourning the Convention or whether it proposes to stay here and either consider one or two proposed amendments, or several; and I would ask the privilege to offer an amendment to the motion of Mr. Duncan of Jaffrey to amend the resolution of Mr. Lyford of Concord.

Mr. Varney of Rochester offered the following amendment to the motion of Mr. Duncan of Jaffrey, to amend the resolution of Mr. Lyford of Concord:

Strike out all of said resolution beginning with the work "Therefore" and substitute therefor the following:

Therefore, in view of these conditions, be it

*Resolved*, That when this Convention adjourns today, it adjourn to the call of a committee consisting of the President of this Convention and a delegate from each county, to be appointed by the Chair, a majority of whom are hereby empowered to issue such a call for the Convention to reassemble.

Question being on the motion of Mr. Varney of Rochester to amend the motion of Mr. Duncan of Jaffrey, to amend the resolution offered by Mr. Lyford of Concord, —

On motion of Mr. Hutchins of Stratford, the Convention took a recess of one hour.

## AFTER RECESS.

Mr. Varney of Rochester withdrew his motion.

Question being on the amendment offered by Mr. Duncan of Jaffrey to the resolution of Mr Lyford of Concord, —

On a *viva voce* vote, the amendment was not adopted.

Question being on the resolution of Mr. Lyford of Concord, —

*Mr. Tyng of Ashland.* — It seems to me that this resolution is both presumptuous and time-wasting. It is presumptuous because of the implication that it contains everything that is worth while for this Convention to pass upon immediately; time-wasting because we have been forced to talk about the resolution instead of the work we have to do. There is time enough, it seems to me, for this Convention to receive any amendments that are offered, to have them printed, then go on and act upon whatever may be immediately necessary, and adjourn after providing that the members of the Convention may know what they are to deal with when they come together again.

*Mr. Doyle of Nashua.* — I dislike to trespass on sacred ground, Mr. President, —

*The President.* — The gentleman from Nashua, Mr. Doyle, is never a trespasser.

*Mr. Doyle of Nashua.* — Gentlemen of the Convention, I will take but very little of your time. I am against the adoption of the resolution submitted to you by the gentleman from Concord, Mr. Lyford. I think that if there is anything to do here we ought to start in and do the whole of it; start in with the program and finish it, or do what was intimated by the resolution withdrawn by Mr. Varney, adjourn here and now. I believe there is no time for dickering with legislation or anything else. Our time should be used to do what we can, both Democrats and Republicans alike, for our country and our boys and save them and our country. I guess the old pine trees up north and the moneyed men who have invested in the growing pines can stand it a little longer, but we can't stand this terrible slaughter forever. I say, gentlemen, let's determine here and now that we will adjourn, and when this terrible situation is over, and when



victory is ours, which it will be, then let's meet like men and legislate in the interests of our State; and we will have one mind then, and it will not be distracted with this terrible conflict across the waters, and the trying to save a few miserable dollars for the pine growers of New Hampshire.

Mr. Varney of Rochester offered the following amendment to the resolution:

Strike out all after the third preamble and insert the following:

Therefore, in view of these conditions, be it

*Resolved*, That when this Convention adjourns today, it adjourn to the call of a committee consisting of the President of this Convention and a delegate from each county, to be appointed by the Chair, a majority of whom are hereby empowered to issue such a call for the Convention to reassemble.

Question being on the amendment of Mr. Varney of Rochester, —

*Mr. Abbe of Dublin.* — A few days ago I received this letter from a friend of mine: "The rate here a year ago was \$17.50 a thousand, and the list claimed all my property as taxable. It was \$6,000, including a second mortgage for \$1,400 on Melrose property and two life insurance policies for \$2,000 each and a note for \$600. I suppose by Vermont laws all this *was* taxable, but it involved a tax of \$105, which was a large portion of my \$380 income" — twenty-seven per cent. "All who knew about it agreed it was 'enormous,' 'outrageous' and 'unjust.' I consulted a lawyer at Bellows Falls, and he told me not to pay the tax until I heard from him. This was in the summer, and although I wrote twice to him about the matter, requesting him to answer, I never heard a single word. I paid him a dollar, expecting, of course, to pay more if he accomplished anything. I think he didn't want to do anything for fear of making himself unpopular, but he should have told me so. When tax day came I was very anxious, and at first refused to pay, but when the constable made me a call one evening and gave me palpitation of the heart by his threats of imprisonment, I couldn't hold out.

Harry and Frances said I was too old to fight! So Frances borrowed money at the bank and paid the tax, and I have only just begun to recover from the loss, and I'm sure my health suffered seriously from the long strain."

Now, gentlemen, the State that is guilty of that act, it seems to me, so far as cases like this are concerned, should wrap the garments of mourning about its body politic, and lament the departure of its own justice and mercy. But the same thing might happen in our own State as well as Vermont. Our laws permit just this kind of thing. I presume fifteen per cent or more is a very common tax in this State. Now, I say, while we are fighting to make the world safe for democracy, it is only fair and right that we as a body such as this should also seek to do our best to make democracy safe for the State as well as for the world. We should make laws so we can find relief, and we can do it now, and do a great deal for those left in this State, as well as for our soldiers fighting for this cause across the sea.

*Mr. Hoyt of Hanover.*— I should like to speak one word here, and I want to speak in behalf of the people of the community, that is the farmers, the laboring men and the people of the State. I am not going to say how it is in every part of the State, but I can tell you how it is in my section. Coming here to get sympathy for the hardship of the men who own these large tracts of timber lands in the State, it is a pretty hard thing for them to do, isn't it? Why, in my section, one man owns about every valuable lot there is around there, and he is so liberal that when we go to him and ask him to sell us plank for our town, hemlock plank, he charges us \$37 a thousand. He ought to have his taxes reduced, hadn't he? Now, while we are all having to sacrifice here, there are no people in this State sacrificing any more than the men who are raising the products and trying to feed you and trying to feed the soldiers over across the ocean. The government is paying such prices for labor, six and seven dollars a day, that the farmers can't get help; they are working early and late to raise something to feed you, and then to put to them these two propositions. Take it off from the great lumber interests and put it on to the farmer. Why, all the timber lands in this State will be bought up by these men of capital. There will be no more going back to the farm, for you will have to put on this property what you take off the rich man. That is the thing in a nutshell. If you want to take from the rich and put it on to the poor, let's do it, but don't say you sympathize with the man on the farm who is feeding you. If you do so, I shall oppose it, however; and although my influence is not great, I

want to say to you that not only myself but the thirty thousand Grangers in this State will oppose it to their utmost; every farmer will.

*Mr. Ayres of Franconia.*—Gentlemen, I have a word to say to farmers. I am a farmer's son, and have been going in and out among you in forestry work for sixteen years. I don't propose to say anything that will go back on my father's occupation or the little farm I own in the town of Franconia. What I want to say is this: If you take away from the town its other forms of taxable property, the burden falls back upon the farm; the farmer always gets the worst of it, as a rule, in taxation. His property is visible; the intangible property is hidden away and the timber is cut off, but the farmer's land and his house are visible for taxation. In the interest of the farmer, I am asking you to see that a system of taxation is applied to the forests, not to relieve them of taxation nor exempt them, but to be so applied that the forest, while bearing its full burden of taxation, shall pay the tax when the timber is cut, and not have to pay year after year on property upon which the owner cannot realize until after a long term of years when the timber is cut. Four States have made this arrangement. It is not a new proposition. It is important because sixty-two per cent of the total land area of our State is woods.

Reference has been made to the boys over there, and that because of them we should adjourn this Convention without action. These men when they come back will say: "We offered our lives willingly in the service of our Country; you fellows came with a chance to fix up a bad civic condition and turned your backs on it." It seems to me the boys can come back and spit in our faces, if in this Convention we adjourn without doing our duty.

The timber of New Hampshire according to the census of 1900, the last to collect data on timber, yields a gross annual product of \$16,000,000 a year; it feeds a large part of the population in the villages and valleys; it controls the water flow; and it is up to us to see that it is rightly dealt with. Four-fifths of all our timber—and I am using the census figures again—four-fifths of all the timber in New Hampshire is in small holdings. I as a farmer's son am not here to protect the big timber interests. Somebody has said that everybody connected with the timber business is a millionaire. Most of you own timber lots and I would like to have you hold up your hand if you are a millionaire. I don't see many hands. This proposed change is in the interest of the small owner whose woodland, by a combination of high prices and high taxes is being stripped off. This combination threatens one of our fundamental resources. Our three

largest resources in New Hampshire are our woods, our water powers and our soil. We have also the granite quarries. These are all the natural resources there are in New Hampshire. They must be protected and conserved. I urge you, gentlemen, not to let this Convention go by without doing something to change the method of taxing the small woodland owner.

*Mr. Lee of Concord.* — Mr. President and Members of the Convention, at the last Legislature I happened to be a member and I also was a member of the Committee on Ways and Means, where all the questions of taxation are considered, and I found that last session, and in fact in the two sessions before it, the great problem has been in regard to the taxation of growing timber and intangibles. It seems to me, now we are assembled here to-day, that something ought to be done in regard to regulating the taxes on these two classes of property mentioned in the resolution offered by the gentleman from Ward Four, Concord. Gentlemen, during the last session of the house at the hearings before the Committee on Ways and Means, you would be surprised to see the people who came in, in regard to the taxation of growing timber, and you will all have to admit that when it comes to intangibles it is an outrage the way people pay taxes on them. As one of the assessors of the City of Concord for a good many years, I will have to admit that practically every man who died and was worth any amount of money invested in intangibles, escaped taxation. Look up the records at the registry of probate; that speaks for itself. Now, gentlemen, you know as well as I do that it is wrong for us to have a tax law such as we have at present, so that men who have their money invested in intangibles, pay the rate they would pay on stock-in-trade and real estate and other things from which they derive more income. Just stop to think that this year, taxes are going to be high. There is no question about it. Concord's tax was \$1.85 or \$1.86 last year; today it is, I think, about \$2.25, and in every city and town throughout the State it is going to be the same way. Stop to think of a man with a bond only paying three and a half or four per cent interest, having to pay \$2.25 or \$2.30 out of that for taxes. What has been the result? In my experience, for the last twenty years, it helps to make perjurers out of all rich people. It is wrong, and I tell you, gentlemen, they have done nothing more than you or I would do. You are going to protect yourself first. You are going to see you have bread and butter before you give to anybody else, and in God's name let's pass an amendment to the Constitution here today that will relieve the people from doing such things. I have had dealings with these people all my life;

there isn't a more honorable class of people than they are; but for God's sake give them an opportunity to live in the right way; and I say it is wrong to go to work and adjourn this Convention at this time. If you do pass an amendment to help the farmer in some way on his growing timber, and the man who has intangibles, give him a chance to be honest in his income return and in his tax. I venture to say that if you pass that amendment the State of New Hampshire will receive eight or ten million dollars more in taxes than they are receiving now under the present method. Then a man will know just what per cent he has to pay, and it will be a just provision. As it now stands, it is wrong. This has been the great question before the House for a member of the Legislature and in the Ways and Means Committee for the last three times I have been a member. Now, gentlemen, I hope before you adjourn that you will do something for the farmer and for the man who gets his income from intangibles. Let's pass an amendment to give these men a chance to know what they should pay and also a chance to be honest in turning in their inventories. I hope before you adjourn that these two amendments, offered by the gentleman from Concord, will be adopted. These are the only things I care about, but if there is anything else worth talking about, I would like to hear it, but those are the only two things I ever heard that amounted to anything while I was in the Legislature for three times and for three times a member of the Committee on Ways and Means. Gentlemen, I hope you will pass these two measures, because they are deserving of it.

*Mr. Tobey of Temple.*— I am one of those who take the Convention seriously. I do not stand before you, Mr. President, and Gentlemen of the Convention, to advocate any proposed measure offered today. There is one issue before us, as I understand it, and that is the motion of the gentleman from Rochester, Mr. Varney, as to whether or not we shall as a body of men march up the hill and march down again, or whether we shall do something, like men of New Hampshire. It has been told you that we are at war, and the gentleman from Nashua comes before you and volubly and with great force tells you men are dying over there and that slaughter of our boys is going on. I submit to you as fair minded men, how many men less will be slaughtered if you and I measure up to what is expected of us by our community and do something on this job today, or two or three days, if necessary, and then go home. We have heard a good deal about war activities, but I say New Hampshire need not take second place to any State in the Union. We have a record to be proud

of as a State in support of war activities. And I want to say to you gentlemen, that your and my activities in our respective communities in the interest of these great war campaigns are not going to suffer by our being here. We stood for office, we accepted office, and our citizens want us to be on the job and do something. If it is the pleasure of this Convention to die today, I say "Give it an epitaph for its tombstone," and I know no better or more fitting epitaph than that which was on the tombstone of a little child who died after living only twenty-four hours: "I was so soon done for what was I begun for."

Seriously, I am not an advocate of any of the things begun here today. I am not going to take the floor on those things at the present time, but I do feel as a New Hampshire man that you and I have a chance to do a great deal for the benefit of New Hampshire by staying here on the job to which we were elected, considering and acting on important matters as expeditiously as may be consistent with sanity and wisdom.

*Mr. Stone of Andover.*—Just a word, Gentlemen: I hardly know "where I am at." My first impression was to support the resolution offered by the gentleman from Concord, Mr. Lyford, but personally I believe the resolution offered by the gentleman from Rochester ought to be adopted and that this Convention adjourn without taking action on any proposed amendments. We are taking ourselves too seriously. The last gentleman says we came here to do something and that was what the people sent us here for. Town after town sent men here knowing they would stop proposed amendments which they deemed entirely unnecessary. Men who have done the best work in the Legislature of New Hampshire, men like Gilman Marston, who for more than twenty years was at the head of the Judiciary Committee, men like Harry Bingham, who sat by his side, the State of New Hampshire delights to honor because they did their duty in stopping vicious legislation. Let me say to you, as I have said before, we have taken ourselves too seriously. The people of New Hampshire were not greatly interested or desirous of having a Convention called. Eighty nine thousand, one hundred and twenty-seven men came to the polls in 1916 and cast their ballots, but only twenty-one thousand felt interest enough in the call for a Convention to vote for the same. That was the "great interest" the people took! What have we been discussing, anyway? We were discussing whether we should pass the amendment relative to intangibles and wood and timber. That isn't the question at all. The question is whether, taking the resolution of the gentleman from Concord, we shall adopt or reject more than two amendments. Now, I don't own much of any-

thing anyway, but I do have a little lumber, and I am perfectly willing to pay a tax; but that is out of the question and has nothing to do with the matter under consideration — it is simply whether we shall take up two proposed amendments and then adjourn.

It is much more important that we stand by the boys who at this very moment on the battlefields and in the trenches are giving their lives for you and me. This conflict we are engaged in dwarfs all others. I was rejoiced and I listened intently to the strong and patriotic words of our President. Are the people of New Hampshire in any frame of mind to consider amendments that may be proposed? Go upon the trains, go anywhere, see the little boys, see the little girls working, women knitting, and we staying here to discuss whether we will save a pine tree or not? The last gentleman said the boys would come home and ask us what have you been doing? Let us see? I happen, unfortunately for my business, to be a member of a draft board, and the government instructs us to even defer sending boys who are engaged in agricultural work who went to Camp Devens in September and have been in training five months, and they have been given furloughs for the summer in order that they might work on farms; and it seems to me if we continue here we will simply fritter away our time to no purpose after the manner of the recent and still continuing Massachusetts Constitutional Convention.

The people of New Hampshire are interested in other and more vital things than amendments to our Constitution, and will not give amendments that we may submit their attention. Why then should we go on, thrash out and put forward amendments and have them rejected at the polls? I trust we will go home soon. Personally I think we ought to go this afternoon.

*Mr. Emerson of Milford.* — Gentlemen, it looks to me as if we are going far afield in the consideration of the question before us. If I understand the question before us correctly, it is, first, shall we vote immediately to adjourn and go home and quit, leaving a committee of the President and ten other members to decide whether at a later date we shall be called back for further business. That is the proposition of the gentleman from Rochester, as I understand it. The second proposition is the proposition of the gentleman from Concord that we consider two questions and then quit, quit possibly this afternoon, quit probably tomorrow, with two questions for the people to consider, that they have already considered in time past very carefully, one of which at least was acted upon by the last Constitutional Convention and on which the people at the polls cast a large



majority of votes in the affirmative, showing that the people were interested; if the question had received just a little more discussion before the people, it is my confident belief that the people would have approved of the amendment to the Constitution providing that the Legislature might classify timber differently from other property. The question is not a specific question of taxation here; the question is, do we believe in allowing the Legislature a free hand to deal with this problem; that is the question. It isn't this or that method of taxation. There is no one here, so far as I know, who is advocating allowing standing timber to escape any part of its just burden of taxation. There is a considerable belief that the proper time to tax timber is when you tax other things, when the crop is harvested. I for one don't believe that any tree should escape its just share of taxation, but I do believe that it is a crime against the best interests of this State to tax standing timber before it is ripe. But I am not here to discuss that question; that question will come up after these other two questions which I have tried to outline to you are determined: first, shall we immediately and now adjourn? On that question, I vote no; and then on the question Shall we consider the two questions which have been carefully considered by the people and on one of which at least the people have passed an affirmative judgment by a majority vote? On that question, I vote yes.

Now then if going home right this minute would bring back those boys that have gone to France, your sons and my sons, I would vote yes; but it won't do it and we might just as well face these problems. Personally I for one am not disposed to stay here and listen to unlimited discussion on a lot of these questions, but I am disposed to pass, if we can, on those two questions which have received considerable discussion on the part of the people and upon which most of you yourselves have your minds made up.

*Mr. Lyford of Concord.*—Mr. President, just a single word. The gentleman from Milford has brought us back to the question before us. I have not indicated in any way how I stand on either of the propositions that will be discussed and considered here if my resolution is adopted. This is merely to give an opportunity to consider these propositions. Now, the amendment, the substitute amendment of the gentleman from Rochester, Mr. Varney, is unnecessary, because if this resolution of mine is adopted, it does not bind this Convention in favor of or against either one of these propositions. There are no amendments to the Constitution in my resolution, and when an amendment is offered, say for instance, to classify growing wood



and timber for the purpose of taxation, it is in order for the gentleman from Rochester to move to indefinitely postpone; that is a debatable motion, and you can then debate the merits of the question, and if this Convention votes to indefinitely postpone, that ends that proposition, and if one proposition is ended that way, the other will undoubtedly follow. You have got no concrete proposition here to discuss. The discussion has wandered far afield, but it is brought back by the gentleman from Milford. It is whether you will vote immediately to adjourn or whether you will vote for the resolution that I offered, which gives an opportunity to consider these questions, which you can reject as a Convention, if you then see fit.

*Mr. Metcalf of Concord.* — This Convention has something to do or it has nothing to do. If it has nothing to do, it should adjourn at once, *sine die*, and go home. If there is something that has to be done, it should be done and submitted to the people. The argument against submitting any amendment to the people at this time is that we are in war, and that consequently we cannot consider properly anything of this sort; that our minds must be entirely taken up with this great question of the war. Mr. Doyle of Nashua put this in very strong words, and Mr. Stone of Andover. Now it is true that we are at war. It is true we want to do all in our power to win this war; but I notice Brother Doyle goes on trying cases in Court just as before, and I notice the Courts are in session just the same as before. It is suggested that we cannot properly consider these questions; but look here, gentlemen, more questions are going to be before us. We have to consider the qualifications of the candidates for United States Senator, and Mr. Lyford of Concord agrees he is infinitely better qualified than any of the four now in the field for the job; and the people are asked to consider this question, and they will have to consider it before long, and then we have to consider a candidate on the Democratic side; we have to determine "what in thunder" we will do if Hollis gets out; that has to be considered. Then we have to nominate candidates for Congressmen and Governor and all such officers, and the attention of the people is going to be taken up by those things, and there has to be an election, and the people will meet in the voting places and consider which of the candidates presented are best qualified for the job, and vote accordingly. Now do you pretend to say, gentlemen of this Convention, that if one or two important amendments, with which the people are familiar, were submitted at that time that they cannot consider and act upon them intelligently? I think to put that proposition up to you is nonsense.

*Mr. Howe of Concord.* — Mr. President, what would be the fair thing to do under all the circumstances? There are various projects here. Different people are interested in different ones of these projects; that is sufficiently apparent. The timber people are interested in the timber project; the people holding intangibles in the taxation of intangibles. Some people are interested in the initiative and referendum. Other people, it has been suggested, are interested in the project of the election of judges by the people. I might go on indefinitely. It is known that another measure in which there is public interest is the pensioning of our retired judges. Now under the circumstances what would be the fair thing to do? Are we satisfied that the timber people and the intangible people have the only issues that are worth considering? They say they have, and that we ought to side-track everything else and deal with their matters and then go home and that the people who are interested in the other matters should be satisfied with that program. Now is that so? I want to submit to you, Mr. President, that the fair thing to do, the right thing for us to do is to take either one of two courses: either stay here and deal with every project that comes legitimately before this Convention, or deal with none. Treat the timber people fairly; the intangible people fairly; the initiative and referendum people and all the others fairly; give them the time they ought to have, — it will take a month, no doubt about that. Take that course and you will be fair to everybody, or else not select one or two of these projects, deal with them and let the other people wait. Now there is one more thing I want to suggest for your consideration. It has appeared in the discussion which has been had here today that there is a grave suspicion in the minds of many people that back of the timber project stand the millionaires timber owners. I don't know whether that is true or not; but there is that suspicion. Now, gentlemen, just recently the people of New Hampshire voted on this. This very question was submitted to them; it failed to carry; the people voted against it. Conditions have changed to some extent since that vote was taken. A certain proportion of our voters who were here and voted then are across the water now. Will those boys, those who return, feel that you have treated them fairly if you have put through your timber proposition and your intangible proposition when they were absent in France and could not vote upon it?

*Mr. Clement of Warren.* — One point has been brought up here twice today, that was in regard to this question being submitted from the last Constitutional Convention. Gentlemen, these two questions, the exemption of growing timber from

taxation and the question of taxation of intangibles, were linked up together, and one killed the other. That is why the growing timber was not exempted, because they embodied the two together, made them sink and swim together, and the result was exactly what I predicted, they were both defeated. Now you have a State Forester here and a State Forestry Association who are not interested in any millionaires. They have made a study of this question for years. They have done something. Are you going to be slackers? Aren't you going to consider the preservation of the resources of your State? Haven't we been told repeatedly it behooves us to conserve at home, to do our own duty in conservation of our resources, when our soldiers in Europe depend on them? Are we quitters?

*Mr. Hayden of Hollis.*—We have been told this afternoon we are in a great war at the present time. We were in a great war in '61. I was there myself, and I know something about it. At that time we faced the front and obeyed orders, and now don't be slackers; don't go to the rear; face the front if the bullets do come; we are here to do business and let's do it.

*Mr. Duffy of Franklin.*—I would like to ask a question for information. If this motion prevails, as I understand it, it does not preclude the possibility of taking up the two subjects mentioned in the resolution of the gentleman from Concord, Mr. Lyford.

*The President.*—I should say it does preclude it. The Chair understands that the question is now upon the amendment offered by the gentleman from Rochester, Mr. Varney, which I have just read. If that resolution is adopted, it seems to the Chair that the taxation amendments must fail, unless they are submitted before we adjourn today.

*Mr. Varney of Rochester.*—I want to say in regard to this amendment which I have offered that at the time I was asked to be a member of this Convention, I stated to the people in my ward that I would go under one condition, and that condition was that if I was elected, I would present to the Convention a resolution asking for immediate adjournment, and I have carried out the promise which I made my constituents at that time. Moreover, I have not changed my opinion since the time I was elected. I have not had cold feet within the last week or two and changed my mind. I still believe it is for the interest of the State of New Hampshire and that there is a sufficient sentiment among the people of the State that this Convention shall adjourn until such time as conditions may be settled after the war, in order that we may determine just what is needed. We cannot vote intelligently upon any amendments that may be

proposed at this time. Who can tell what we shall need in a year or two in the way of taxation as the result of this war? Who can tell how soon the war is to terminate? If I could be informed as to the length of the war and the conditions that would prevail at that time, I feel then I would be able in a measure to consider these resolutions which are offered, intelligently. I do not feel, Mr. President and Gentlemen, that in taking the stand which I do in offering this amendment that I am in any way a slacker in the duty which is imposed upon me and I do not feel that the people of the State of New Hampshire will regard it as such.

*Mr. Wright of Sanbornton.* — I rise to inquire, if I may — to see if I understand the question. Those who desire an immediate adjournment, without considering further any questions should vote yes on this amendment?

*The President.* — They should vote in the affirmative, yes.

*Mr. Wright of Sanbornton.* — And those who desire an opportunity to consider the propositions should vote no?

*The President.* — I should say so.

Mr. Lyford of Concord, called for a division.

The President appointed the following-named gentlemen to act as tellers in the taking of the division:

- Division 1. Mr. Patterson of Concord.
- Division 2. Mr. Wright of Sanbornton.
- Division 3. Mr. Norwood of Keene.
- Division 4. Mr. French of Moultonborough.
- Division 5. Mr. Sanders of Derry.

Division being had it was declared manifestly in the negative.

Question being on the resolution of Mr. Lyford of Concord, —

*Mr. Pike of Lisbon.* — Gentlemen, it seems we have decided to stay here and go to work; now let us do it. This is supposed to be a democratic organization and don't let us have any wrangle, but let us all have a chance to put our measures in, thrash them out and stay until we get through and go home.

Mr. Lyford of Concord called for a division.

Mr. Upton of Bow offered the following amendment to the resolution of Mr. Lyford of Concord.

Strike out all after the word "*Resolved*" and before the words "and that when" and substitute in place thereof the words, "That this Convention proceed to consider the revision or amendment of the Constitution in respect to taxation," so that the same as amended shall read as follows:

*Resolved*, That this Convention proceed to consider the revision or amendment of the Constitution in respect to taxation, and that when action on these amendments has been taken the Convention adjourn, subject to the call of a committee, consisting of the President of this Convention and one delegate from each county, to be appointed by the Chair, a majority of whom are hereby empowered to issue a call for the Convention to reassemble.

Question being on the amendment offered by Mr. Upton of Bow, —

Mr. Lyford of Concord accepted the amendment offered by Mr. Upton of Bow.

• Question being on the resolution of Mr. Lyford of Concord, as amended, —

Mr. Pike of Lisbon, moved to indefinitely postpone the resolution of Mr. Lyford of Concord, as amended.

Question being on the motion of Mr Pike of Lisbon, —

Mr. Lyford of Concord called for a division.

*Mr. Streeter of Concord.* — Does the amendment of Mr. Upton of Bow leave the resolution of Mr. Lyford inconsistent? I don't quite see it. Mr. Lyford's resolution was in substance that we take up only two propositions. Now he has accepted an amend-

ment that we proceed to take up one. Will the Chair state the question so we will understand it?

*Mr. Lyford of Concord.* — If I may be pardoned a word, I think I misunderstood the amendment offered. I understood it was to be limited to the question of taxation, and upon reading it, I must decline to accept the amendment, and if I may, I withdraw my acceptance.

*Mr. Duncan of Jaffrey.* — Am I to understand that the question is upon the motion of the gentleman from Lisbon to indefinitely postpone? Isn't that the question before the Convention at the present time?

*Mr. Stone of Andover.* — I ask the pardon of the Convention for taking up another minute if its time. Possibly, it occurs to me, there is a misapprehension here. It appears some of you in the discussion were opposed and some in favor of the lumber and intangible propositions; those questions we are not taking up now. I want to say personally that while I shall support the motion of Mr. Lyford, I may vote against these amendments.

*Mr. Lee of Concord.* — The people who are going to get the benefit, so far as intangibles are concerned, are the poorer class of people, the farmer and the man who owns his little home and everything like that, and it will make the rich fellow pay his proportion of the taxation, which today he isn't paying. They tell me that in Massachusetts, where they formerly got about one-fifth of them, they are now getting very nearly three-fourths. I do think it will be a good thing, because you can't blame them today for not handing it in. The tax is wrong. You can't expect them to be honest about it, but you can fix it so they can be honest.

*Mr. Pike of Lisbon.* — I would like to ask a question. As I understand the parliamentary situation, on my motion to indefinitely postpone, it disposes of the Lyford resolution and leaves this Convention free to act.

*Mr. Lyford of Concord.* — I think I understand the resolution right. I was in doubt when my attention was called to it, but I accept the amendment of Mr. Upton.

Division being had, 166 gentlemen having voted in the affirmative and 149 gentlemen having voted in the negative, the motion of Mr. Pike of Lisbon to indefinitely postpone prevailed.

Mr. Quimby of Concord, for the Committee on Permanent

Organization reported, recommending the following-named persons for the several offices:

Chaplain, Rev. Archibald Black of Concord.

Sergeant-at-Arms, Walter J. A. Ward of Hillsborough.

Doorkeepers, Guy S. Neal of Acworth, George Lawrence of Manchester, Albert P. Davis of Concord, and Edward K. Webster of Concord.

Warden of Coat Room, George Goodhue of Concord.

Assistant Warden of the Coat Room, John C. O'Hare of Nashua.

Messenger, Frank L. Aldrich of Manchester.

Official Stenographer, Miss Margaret A. Conway of Concord.

Assistant Stenographer, Miss Bertha Goodwin of Newport.

The report was accepted and the recommendations were adopted.

The committee also recommended the election of Joseph H. Lane of Concord and Walter Pillsbury of Derry to serve as pages during the Convention.

The recommendation of the Committee was adopted.

Mr. Gibson of Conway, for the Committee on Rules and Methods of Procedure, submitted the following report:

#### RULES OF THE CONVENTION.

1. The President shall take the chair at precisely the hour to which the Convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the Chair.

2. A majority of all the members of the Convention shall constitute a quorum.

3. All committees shall be appointed by the President, unless otherwise directed by the Convention; and the first-named member of any committee appointed by the President shall be chairman.

4. No person but the members and officers of the Convention shall be admitted within the chamber unless by invitation of the President or order of the Convention.

5. No member shall speak more than twice to the same question without leave of the Convention.

6. When any question is under debate no motion shall be received but, first, to adjourn; second, to lay on the table; third, to postpone to a day certain; fourth, to commit; fifth, to amend — which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lay on the table shall be decided without debate.

7. Any member may call for a division of the question, when the sense will admit of it; but a motion to strike out and insert shall not be divided.

8. A motion for commitment, until it is decided, shall precede all amendments to the main question; and all motions and reports may be committed at the pleasure of the Convention.

9. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

10. Every question shall be decided by yeas and nays whenever a demand for the same shall be made and sustained by at least ten members, and any member may demand a division.

11. The Convention may resolve itself into a Committee of the Whole at any time on the motion of a member; and, in forming a Committee of the Whole, the President shall leave the chair and appoint a chairman to preside in Committee; and the rules of proceeding in Convention shall be observed in Committee of the Whole, except the rule limiting



the times of speaking and the rule relating to calls for the yeas and nays.

12. After the journal has been read and corrected, the order of business shall be as follows: First, the presentation of resolutions and petitions; second, the reports of committees; third, any special order for the hour; fourth, the unfinished business of the preceding day.

13. All motions and resolutions proposing any amendment to the Constitution shall be offered in writing, and be read by the Secretary for the information of the Convention, when, unless rejected or otherwise disposed of, shall be referred to an appropriate committee, who shall examine and report thereon to the Convention, with such recommendations as they may deem advisable. No proposition for an amendment shall be received after Tuesday, June 11, 1918, unless by unanimous consent of the Convention or upon the recommendation of a standing committee.

14. There shall be appointed by the President eight committees, consisting of twenty members each, and each county shall be represented thereon. Said committees shall be on the following subjects, viz.:

- (1) On Bill of Rights and Executive Department.
- (2) On Legislative Department.
- (3) On Judicial Department.
- (4) On Future Mode of Amending the Constitution, and other Proposed Amendments.
- (5) On Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.
- (6) On Finance.
- (7) On Elections.
- (8) On Journal.

15. All resolutions providing for amendments to the Constitution introduced shall be laid upon the table and printed before reference to committees, and the same shall be distributed to the delegates.

On motion of Mr. Gibson of Conway, the report was accepted and the rules were adopted as the rules of the Convention.

#### COMMITTEE ASSIGNMENTS.

The President announced the following standing committees:

##### ON FINANCE.

French of Moultonborough.	Emerson of Manchester.
Wight of Berlin.	Laberge of Manchester.
Welch of Dover.	Cater of Portsmouth.
Bates of Exeter.	Dame of Newport.
Pariseau of Manchester.	Hayford of Newton.
Hill of Plaistow.	McElroy of Manchester.
Brown of Hampton.	Shaw of Salisbury.
Davis of Hopkinton.	Dillingham of Roxbury.
Locke of Laconia.	Worthen of Manchester.
Waterman of Lebanon.	Spalding of Stoddard.

##### ON JOURNAL.

Tobey of Temple.	Faulkner of Swanzey.
Veazie of Littleton.	Beal of Plymouth.
Emerson of Hampstead.	Hancock of Milan.
McDaniel of Nottingham.	Pound of Wolfeboro.
Hurd of Dover.	Clark of Nashua.
Knox of Madbury.	Frye of Wilton.
Chase (A. H.) of Concord.	True of Plainfield.
Shaw of Chichester.	Perkins of Laconia.
Greer of Goffstown.	Dionne, Jr., of Nashua.
Dickinson of Winchester.	Rogers of Newport.

Mr. Varney of Rochester offered the following resolution:

WHEREAS, The unsettled conditions, existing because of the present world war, make it impossible to determine what

changes, if any, are to be needed in our State Constitution, be it

*Resolved*, That this Convention do now adjourn subject to the call of the President and a committee of ten, composed of one from each county to be appointed by the President, a majority of whom shall be a quorum.

Question being on the resolution of Mr. Varney of Rochester, —

*Mr. Lewis of Amherst.* — I sincerely hope that this motion will not prevail. It is simply the same old sheep with a new coat on it. It is surprising that some men who say that they haven't time to stay here long enough to consider the necessary business of the State, seem to have plenty of time to employ filibustering methods in order to prevent the other members of the Constitutional Convention from doing the State's business. Some other nations have been given credit for inventing camouflage, but if our boys at the front were as abundantly supplied with guns and munitions as we have been supplied here with camouflage, they would surely win the war.

We are here to do business, and I, for one believe we ought to do it. One gentleman has stood before us and said that he was elected, pledged to come here and move that this Convention be adjourned without action. I am perfectly willing that all the men who were thus pledged, and who were elected on that platform shall vote accordingly, but I call upon every man who accepted this office with the distinct pledge that he would come here and help transact the necessary business of this State, to vote to stay on the job until our work is done.

*Mr. Pillsbury of Londonderry.* — Gentlemen of the Convention: I did not plan to take part in these proceedings, but when a man comes in here with dilatory tactics, who came here by his own confession to see that this Convention did no business and that the rest of us sent here in order to carry out the instructions of our constituents, to come here and transact business, should do nothing, I say it is time for the people of this State to say to that gentleman: "You do business for your ward, but we are doing it for the State of New Hampshire." There has been concerted action by several interests in this State to see that nothing was done in this Convention, and it has been peddled over the State for more than three months. I yield to no man in

my patriotic sentiments. My boy and your boy is across the ocean, standing under bursting shells, and I want to see everything done to protect them and bring them back — the boys who are there fighting for the old flag. I remember looking back into the Provincial records to the time when the first Constitutional Convention assembled here six months after the war with Great Britain started, the Revolutionary War which gave us our independence. Matthem Thornton from Londonderry, one of the signers of the Declaration of Independence, came up and participated in that Convention, and they did not go home without doing something. His collaborator was John Bell, progenitor of that great Bell family who have borne senators and judges and governors to the State of New Hampshire. Those men stayed here during the stress of the Revolutionary War, animated by the same sentiments that animate us. John Sullivan wrote from the army asking them to protect the interests of the common people. You will find it in your Manual. We today have the same spriit that John Sullivan, Matthew Thornton and John Bell had in that Revolutionary struggle. We are here to do business, and when we have accomplished that work we are ready to go home but not until them; and these dilatory motions, put in here to carry out the interests of somebody in some ward in some city, will not prevail if I read aright the expression on your faces. Let us vote down this resolution and stand as New Hampshire always has stood, patriotic, always doing its duty; and when the boys come home, with victory inscribed on their banner, and with liberty and world-wide democracy established, we shall watch them, some of us perhaps with heavy hearts and eyes dimmed with tears, but we shall have the satisfaction of telling them we have kept the home fires burning and done the duty that was placed upon us.

*Mr. Callahan of Keene.* — Gentlemen, we have work to do here. We were sent here by our constituents, and if we do not accomplish anything it is because of those who have been in the trenches for the past three or four months getting these resolutions ready, and now they are trying to gas you. Are you willing to take this gas and have them smother you? Haven't you got just as much intelligence as they have? Don't you know the State needs some Constitutional changes and it is time they were accomplished, even if it is in war time. My income stopped when I left home yesterday morning to attend this Convention, but I am willing to stay here and accomplish the work of this Convention at a loss to myself and I hope a benefit to the State, and I ask you, gentlemen, to consider carefully the resolution

offered by the gentleman from Rochester and vote it down unanimously.

*Mr. Edgerly of Tuftonboro.* — It was not my purpose to speak, but it is my opinion at the present time that everything that has been offered here has been somewhat dilatory — that is, everything that has been done is off the mark; and in order to do work effectively we must commence at the beginning, where we were this morning, and proceed to adjourn until such time as we can come back here and have cooler weather and perhaps cooler heads and take up the matters then and have them put in a systematic way and as it ought to be done. I don't believe in selecting anything in particular and throwing out everything else. Now, gentlemen, in the interests of the people of New Hampshire, it is my opinion we would do well to adjourn and go home to our work, and sometime prior to the election next fall come back here at the summons of this committee and then take up what seems necessary, and at our election in November present the same to the people. At this time, Mr. President, it is my candid opinion we would do well to adjourn and go home.

*Mr. Page of Gilmanton.* — I have but a word to say. If I am in order I would like to call for the question because I would as soon vote against it now as any time, and I think the others had, and I think after that, an adjournment would be a nice thing to have and come back tomorrow morning.

*Mr. Page of Portsmouth.* — Gentlemen of the Convention, as I grow older I find I am less pugnacious and less desirous of entering into a contest, but as the Pages seem to be coming on deck, I think it is my turn to let you know I am not tongue-tied. We have lived under a Constitution which has been sufficient for us to win all the battles we have ever been engaged in for a hundred and fifty years, and now I come here today and I hear talk about slackers. They roll it on their tongues like a sweet morsel, and they will charge me, because I vote for adjournment, with being a slacker. I will tell you what a slacker is, gentlemen. A slacker is a man who is willing to leave his work, his farm, his ploughing and farm work and such things, and come up here and spend all summer wrangling over a little amendment to the Constitution and listening to a fellow who is willing to travel up and down in front of us and go back to our revolutionary days and King George or whatever king he may refer to, I don't know which one, while he shouts at us and pounds his fists in the air. That is a slacker, gentlemen. Our one duty today is to win the war, as the President says, and we are going to do it, as he says, and he knows

something about it. Then I have believed that our duty was to do our whole duty, and we cannot stay here all summer long and leave our fields and our farms. The Huns are at our door; the Kaiser's mailed fist is knocking perhaps at the front gate of the city of Portsmouth today. And yet you all come here and sit and listen to talk about legislation for the men who have got millions of dollars worth of lumber to exempt from taxation. That is what this lumber business means. What is lumber good for? Only to keep and not to pay taxes on it the same as everybody else does on their property? And then these demagogues tell us they want this legislation for the good of the poor man and the farmer. Now, Mr. President and Gentlemen, the men who want to stay here are the men who love the sound of their own voices and to have a crowd that is compelled to stay here and hear them. If they aren't that kind of men then they are the other kind who are in the pay of the State, drawing more good money for a salary for some State office they hold; and I just heard one, drawing \$3,000 a year, say he is going to stay here all summer, drawing his salary both ways. Now, Mr. President and Gentlemen, I would have been glad to have voted for Mr. Lyford's resolution, because it killed all the black specters of devils innumerable appearing before this Convention. Now we have them all killed, as I understand, but one. Let's kill that and go home, and when the war is over and we can think connectedly and do what is right for the State of New Hampshire, I will come back here and spend my time at my own expense, and I won't draw any salary from the State; but now I am not in a condition and none of us is in a condition to legislate upon measures to be submitted to the people to amend that old Constitution which has served us so long and so well.

*Mr. Stanley of Lincoln.*—I am connected with one of the largest companies owning timberlands in the State of New Hampshire, The Parker-Young Co. I should favor a revision of the Constitution in regard to the taxation of standing timber if it could have been considered without holding this Convention indefinitely. We will stand, however, taxation as it is, rather than be in session here for weeks.

There have been many resolutions offered and a good deal said here about cleaning our house, or putting our house in order. Our house is afire! What would you say of a man who was arranging little details, putting his books in order, or other small duties, while his house was burning? That is the condition in our country today and it seems to me a shame

that more than four hundred able-bodied men spend a month or more in thrashing out these questions.

As ably stated by the delegate from Portsmouth, Mr. Page, we can get along with our old Constitution for the time being. We will put up with timber taxation as it is today. Members speak of the initiative and referendum. If we do not win this war will the Kaiser recognize our initiative and referendum?

The best thing we can do now is to adjourn, get back to our work and take up these matters at a time more fitting.

*Mr. Stone of Andover.*—Just one word, gentlemen. We have heard a lot about slackers. I know many of those who have advocated adjournment have given up all their business and have devoted all their time for the past year to war work. These are the men who advocate, and for a patriotic purpose, the adjourning of this Convention. Now, Mr. President, not for the purpose of delay, but believing as I do that the people of every ward or town in this State represented here are opposed to the continuing of this Convention during the war and that the people are anxious to have us adjourn and attend to other things; believing this, and in order that I may be put on record I propose to call for the yeas and nays, that our constituents may know how we have voted.

Mr. Stone of Andover demanded the yeas and nays.

*Mr. Schellenberg of Manchester.*—Mr. President, there has been enough said about the war and the gentleman from Rochester who offered this resolution. Now let's vote on it, and if we are to stay, we will stay; but if we are to adjourn, we will adjourn. Let's vote on the resolution now, and let's not hear anything more about the war or anything else.

The demand of Mr. Stone of Andover being seconded by ten delegates, the yeas and nays were ordered.

*Mr. Duncan of Jaffrey.*—I rise for a parliamentary inquiry. Do I understand that those in favor of immediate adjournment should vote yes and all those willing to do their duty and stay here, vote no?

*The President.*—All in favor of immediate adjournment will vote yes; all opposed to immediate adjournment will vote no when their names are called. That is all there is to it.

YEAS, 167½.

Aldrich of Northumberland, Amey, Annis, Bailly of Manchester, Bailey of Sunapee, Baker of Hillsborough, Barnard, Bartlett of Hanover, Bartlett of Pittsfield, Bates of Exeter, Beaman, Beaudoin, Beckman, Belanger of Concord, Bell, Booth, Brown of Berlin, Brown of Concord, Brown of Manchester, Butler, Carter, Cater, Chandler, Chapman, Charron, Chase of Ward Five, Concord, Clark of Acworth, Clough of Laconia, Clough of Lyman, Coy, Curtis of Berlin, Curtis of Northumberland, Dame, Davis of Croydon, Davis of Hopkinton, Davis of Middleton, Dearborn of Belmont, Demond, Deschenes, Dillingham, Doe of Newfields, Dow, Duffy, Eastman of Weare, Eaton, Edgerly of Tuftonboro, Ela, Elliot, Emerson of Hampstead, Emerson of Manchester, English, Entwistle, Evans of Jefferson, Farmer, Felton, Foote, Foss, Fowler, French of Moultonborough, Gage, Gall, George, Gordon of New Ipswich, Goulding, Grant, Hale, Hall of Langdon, Hallinan, Hamlin, Hancock, Haslet, Hodgman, Howard, Howe, Hoyt of Newington, Hughes, Hull, Huntress, Hurd of Sharon, Hutchins of Stratford, Jacobs, Johnson of Pittsburg, Jones of Lebanon, Keniston of Ellsworth, Kingsbury, Kittredge, Knox, Laplante, Leach, Lee, Lombard, Lord, Lyford, Madden, Marston, Mason of Marlborough, McDaniel of Nottingham, McElroy, McHugh, Moffett, Morin, Morse of Littleton, Nelson, Noyes, Nute, Page of Portsmouth, Parker of Claremont, Parker of Goffstown, Pattee, Perkins of Laconia, Pettee, Philbrook of Shelburne, Pillsbury of Sutton, Prescott of Milford, Price, Pulsifer, Rines, Ripley, Rogers of Newport, Rogers of Pembroke, Rollins, Roy of Manchester, Sanborn, Sargent of Concord, Sargent of Pittsfield, Scammon, Scott, Shaw of Salisbury, Shirley, Sise, Smith of Brentwood, Smith of Center Harbor, Smith of Haverhill, Snow, Spaulding of Manchester, Spalding of Stoddard, Stanley, Stevens, Stoddard, Stone, Streeter, Sturtevant, Templeton, Thomas, Tilton of Laconia, Towle of Loudon, Towle of Northwood, True, Varney, Veazie, Waldron, Walker, Ward,



Wendall, Wentworth of Jackson, Wentworth of Plymouth, Wescott, Wetherell, Whitcomb, Whitney of Barnstead, Whitney of Goshen, Wight, Wilson of Manchester, Winn, Woodbury of Salem, Woodward, Young of Easton, Hoyt of Hanover ( $\frac{1}{2}$  vote).

NAYS, 180 $\frac{1}{2}$ .

Abbe, Andrews, Ayres, Baker of Hudson, Ball, Bartlett of Derry, Belanger of Manchester, Bennett, Benway, Blanchard, Boisvert, Brennan, Bresnahan, Brown of Deerfield, Bullock, Bunten of Dunbarton, Bunton of Manchester, Burbank, Buxton, Byrne, Callahan, Carpenter, Cavanaugh, Chase of Ward Three, Concord, Chase of Manchester, Chevrette, Childs, Churchill, Clark of Nashua, Clarke of Walpole, Clement, Cobleigh, Cole of Rochester, Collins, Conner of Bristol, Connor of Manchester, Cote, Craig, Damon, Davis of Manchester, Dean, Dearborn of Effingham, Devost, Dickinson, Dionne, Donigan, Dort, Duncan of Hancock, Duncan of Jaffrey, Eagan, Eastman of Allenstown, Edgar, Emerson of Milford, Evans of Gorham, Farnum, Faulkner, Fessenden, Flanders, Floyd, Foisie, Foster, French of Concord, Frost, Frye, Gagnon, Gibson, Gilchrist, Gingrass, Goodwin, Gorham, Gray, Hammond, Hayden, Haynes, Head, Hebert, Hodges, Holt, Hopkins, Hubbard, Hunkins, Hurd of Dover, Hutchins of Berlin, Kelley, Kenison of Ossipee, Kennett, Keyes, King, Laberge, Lampron, Lamson, Lang, Lawrence, Ledoux, Lewis, Little, Livingston, Locke, Lovering, Magan, Mason of Keene, G. I. McAllister, J. J. McAllister, McCarthy of Ward 13, Manchester, McDaniel of Barrington, McLaughlin, McNally, McNulty, Meader of Wolfeboro, Metcalf, Morrison, Morse of Hebron, Moses, Mower, Newell, Norwood, O'Neil, Ordway of New Hampton, Page of Gilmanton, Parsons, Patterson, Pearson, Pecor, Peirce, Philbrook of Laconia, Philpot, Pillsbury of Londonderry, Pillsbury of Manchester, Pound, Prince, Quimby, Rand, Randall, Rice, Robichaud, J. J. Ryan, P. J. Ryan, Salvail, Sawyer, Sayers, Schellenberg, Schenck, School-

craft, Shaw of Chichester, Shaw of Nashua, Shaw of North Hampton, Smart of Bennington, Smart of Dover, Smith of Dover, Stuart, Sullivan, Sweeny, Tarbell, Theriault, Thompson, Tobey, Towne, Trickey, Tuck, Upton, Wallace, Watson of Randolph, Waterman, Weber, Welch, Wellman of Keene, Wellman of New London, Wells, Welpley, Weston, Wheeler of Canterbury, Wheeler of Manchester, Whitman, Wilson of Salem, Woodbury of Woodstock, Woods, Worthen, Wright, Young of Laconia, Young of Rochester, Tyng ( $\frac{1}{2}$  vote).

#### PAIRS.

Mr. Pike of Lisbon, voting yes, was paired with Mr. Shurtleff of Lancaster, voting no.

One hundred and sixty-seven and one-half votes having been recorded in the affirmative and one hundred eighty and one-half votes having been recorded in the negative, the resolution of Mr. Varney of Rochester was not adopted.

On motion of Mr. French of Moultonborough, the following resolution was adopted:

*Resolved*, That until otherwise ordered the hours of meeting of the Convention be at 10.00 o'clock in the forenoon and 2.00 o'clock in the afternoon.

On motion of Mr. Lyford of Concord, the following resolution was adopted:

*Resolved*, That the drawing of seats be made a special order for tomorrow morning at 10.05 o'clock, that the method followed in the House of Representatives be adopted and that the Secretary of the Convention draw seats for absent members.

On motion of Mr. Lee of Concord, the following resolution was adopted:

*Resolved*, That the Secretary request the Secretary of State to furnish this Convention with 460 copies of the published proceedings of the Constitutional Convention of 1912, one copy for each member of this Convention and its officers.

On motion of Mr. Tobey of Temple, the Convention adjourned.

#### AFTERNOON.

The Convention met at two o'clock, according to adjournment.

On motion of Mr. Prescott of Milford, the Convention adjourned at 4.51 o'clock.

#### THURSDAY, June, 6, 1918.

The Convention met at 10.00 o'clock in the forenoon according to adjournment.

Prayer was offered by the Chaplain, Rev. Archibald Black of Concord.

The reading of the Journal of the preceeding day having begun, —

On motion of Mr. Clement of Warren, the rules were so far suspended that the further reading of the Journal was dispensed with.

Miss Margaret A. Conway of Concord appeared and qualified as Official Stenographer.

Mr. Ayres of Franconia introduced the following resolution:

## RESOLUTION No. 1.

Relating to the Taxation of Growing Wood and Timber.

*Resolved*, That the Constitution be amended as follows:

Add at the end of Article 5 the following:

*Provided, further*, the said General Court shall have full power and authority to specially assess, rate and tax growing wood and timber without regard to the rule of proportion otherwise required in taxation.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Woodbury of Woodstock introduced the following resolution:

## RESOLUTION No. 2.

Relating to the Powers of the General Court.

*Resolved*, That the Constitution be amended by striking out in Article 5, Part 2, the words "proportional and" in the nineteenth line of said section, and the words "upon all the inhabitants of, and residents within, said State, and upon all estates within the same" in the nineteenth, twentieth and twenty-first lines of said section, so that said section shall read as follows:

ART. 5. And, further, full power and authority are hereby given and granted to the said General Court from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders; laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as

they may judge for the benefit and welfare of this State and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defense of the government thereof; and to name and settle biennially, or provide by fixed laws for the naming and settling all civil officers within this State, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy reasonable assessments, rates, and taxes to be issued and disposed of by warrant, under the hand of the Governor of this State for the time being, with the advice and consent of the Council, for the public service, in the necessary defense and support of the government of this State and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. *Provided*, that the General Court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.

*Resolved, further*, That Article 6, Part 2, be amended by striking out all of said section and inserting in place thereof the following:

The public charges of government or any part thereof may be raised by taxation. The subjects of taxation may be divided according to their kind or value into classes differently taxed.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Duncan of Jaffrey introduced the following resolution:

RESOLUTION No. 3.

Relating to Mode of Submitting Amendments to the Constitution.

*Resolved*, That it is expedient that the Constitution be amended as follows:

Insert after Art. 99 of Part II, the following article, which shall be numbered Article 100:

ART. 100. The Senate and House of Representatives, sitting in Joint Convention, may submit amendments and alterations to this Constitution, which shall become operative when approved by the voters of the State in the manner hereinbefore provided, such Joint Convention to be held whenever requested by majority vote of the membership of either house; and if the two houses shall fail to agree upon a time for holding such Joint Convention, or fail to continue the same from time to time until final action shall have been taken upon all amendments pending, the Governor shall call such Joint Convention or continuance thereof; if three-fourths of the membership of such Joint Convention shall vote to submit any amendment, it shall be submitted to vote of the people at the next regular election or at a special election, as directed by the Convention; if a majority of such Convention shall be in favor of any amendment, but less than three-fourths, the same shall be referred to a Joint Convention of the next General Court, and upon favorable action by a majority of the membership of such subsequent Convention, such amendment shall be submitted to vote of the people at the next regular election; final action in the Joint Convention upon any amendment shall be

taken only by call of the yeas and nays, which shall be entered upon the journals of both houses; and an unfavorable vote at any stage preceding final action shall be verified by call of the yeas and nays, to be entered in like manner.

Renumber Art. 100, making it Article 101.

The resolution was read, laid on the table to be printed and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

Mr. Tyng of Ashland introduced the following resolution:

RESOLUTION No. 4.

Relating to the Duties of the Governor.

*Resolved*, That the Constitution be amended as follows:

Insert under "EXECUTIVE POWER" the following:

It shall be the duty of the Governor to present to the consideration of the Legislature such measures as he may deem necessary and expedient, and to publish the same as early as may be before the Legislature assembles.

Bills presented by the Governor shall have precedence over all other legislation except emergency measures, so designated by vote of three-fourths of the membership of the House of Representatives.

The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

Mr. Lyford of Concord introduced the following resolution:

## RESOLUTION No. 5.

## Relating to Taxation.

*Resolved*, That Article 5 be amended by adding at the end thereof the following:

*Provided, further*, the said General Court shall have full power and authority, regardless of the rule of proportion otherwise required in taxation, to impose and levy taxes on incomes of persons, co-partnerships, associations and corporations, including gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, business, trade, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any service whatever, and it may graduate such taxes according to the amount of incomes and may grant reasonable exemptions.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Mason of Keene introduced the following resolution:

## RESOLUTION No. 6.

## Relating to Pensions.

*Resolved*, That Article 36 of the Bill of Rights be amended by striking out the words "and never for more than one year at a time," so that said Article 36, as amended, shall read as follows:



ART. 36. Economy being a most essential virtue in all States, especially in a young one, no pension should be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the Legislature.

The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

Mr. Tyng of Ashland introduced the following resolution:

RESOLUTION No. 7.

Relating to Candidates for Office.

*Resolved*, That the Constitution be amended as follows:

Insert under "THE GENERAL COURT" the following:

In all elections to office the person who at the time holds the office shall be considered a candidate, and if there is an official ballot his name shall appear upon it, unless he shall by a written statement addressed to the person or persons having authority to prepare such ballot withdraw his name, or shall have been convicted of crime, or judicially determined to be of unsound mind. If there be primary elections open to all voters without distinction, his name shall be similarly placed upon the ballots in that election, and if he shall receive therein a plurality of votes, he shall be considered as elected, and no further election for that office be held.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Metcalf of Concord introduced the following resolution:

## RESOLUTION No. 8.

Relating to Future Amendments to the Constitution.

*Resolved*, That the following amendment be submitted to the voters of the State at the next biennial election :

Articles 98 and 99 of the Constitution are hereby abrogated, and a new article, providing for the submission of future amendments, is substituted in place thereof, as follows :

Whenever the General Court, in Joint Convention of the Senate and House of Representatives, shall determine it advisable and for the public good that this Constitution be amended in any particular, it may, by a two thirds vote of the entire membership, submit such amendment as it deems proper, to be passed upon by the legal voters of the State at the next biennial election ; and if at such election it shall appear that two thirds of all the voters of the State, voting thereon, have signified their approval of the same, such amendment shall become a part of this Constitution, and not otherwise. *Provided, nevertheless*, that the General Court, shall submit no more than two amendments at any one session.

The resolution was read, laid on the table to be printed and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

Mr. Cobleigh of Nashua introduced the following resolution :

## RESOLUTION No. 9.

Relating to Trial by Jury.

*Resolved*, That the words " one hundred " be struck out of Article 20 of the Bill of Rights, and that the words " three

hundred" be inserted in the place thereof, so that when amended it shall read:

ART. 20. In all controversies concerning property and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced, and except in cases in which the value in controversy does not exceed three hundred dollars and title of real estate is not concerned the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relate to mariners' wages, the Legislature shall think it necessary hereafter to alter it.

Also amend Article 76 of Part Second of the Constitution by striking out the words "one hundred" and inserting in the place thereof the words "three hundred," so that when amended it shall read:

ART. 76. The General Court are empowered to give justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed three hundred dollars and the title of real estate is not concerned, but with right of appeal to either party to some other Court. And the General Court are further empowered to give to Police Courts original jurisdiction to try and determine, subject to the right of appeal and trial by jury, all criminal causes wherein the punishment is less than imprisonment in the state prison.

The resolution was read, laid on the table to be printed and referred to the Committee on Judicial Department.

Mr. Pettee of Durham introduced the following resolution:

## RESOLUTION No. 10.

Relating to An Alternative Method of Amending the Constitution.

*Resolved*, That each biennial Legislature, by a majority vote of Senate and House separately, followed by a two-thirds vote of the whole membership in joint session, may propose not more than two amendments to the Constitution to be presented for ratification by the people in the same manner as amendments are presented by a Constitutional Convention.

The resolution was read, laid on the table to be printed and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

Mr. Brennan of Peterborough called for the special order, the same being the drawing of seats by the delegates.

On motion of Mr. Metcalf of Concord, George W. Peirce of Winchester, Hosea W. Parker of Claremont, Joab N. Patterson of Concord, Mortier L. Morrison of Peterborough, and Edward Woods of Bath, each being more than eighty years of age, were allowed to select their seats before the drawing.

*Mr. Parker of Claremont.*—I wish in behalf of my young friends to thank the Convention for the compliment they have paid us, and while I am on the floor, Mr. President, I am reminded that there is one gentleman in the Convention who has had the honor heretofore of presiding at a Constitutional Convention, and I believe but one.

On motion of Mr. Parker of Claremont, Mr. Streeter of Concord, President of the Constitutional Convention of 1912, was allowed to select a seat before the drawing.

Mr. Pillsbury of Londonderry offered the following resolution:

*Resolved*, That the members of the Grand Army, war veterans, and Mr. Hughes of Windham, who have rendered distinguished service to their Country and State, be allotted sixteen seats in the second, third and fourth rows of seats in the third division and that the Secretary of the Convention be instructed to assign the seats to the individual members so selected.

Question being on the resolution of Mr. Pillsbury of Londonderry, —

*Mr. Pillsbury of Londonderry.* — Mr. President, in support of that resolution, I desire to call the attention of this Convention to the fact that while our boys across the seas are decorated for the honor they are conferring upon their Country in maintaining and uplifting humanity and world-wide democracy, we have with us here a band of fifteen members of that Grand Army who wear upon their breasts a badge as honorable as any ever given in any Country and under any conditions. They freely submitted to the sacrifice of their lives fifty-five or sixty years ago to uplift humanity and free a people. We cannot honor them for what they have done, "but we can honor ourselves by extending to them the courtesy, in their infirmities of age, for all have reached the age of seventy-five years and some the extreme age of eighty-three," by extending to them the courtesy of this Convention and allowing them to have seats in the center, where they can hear the proceedings of the Convention.

*Mr. Doyle of Nashua.* — I am not a candidate for office, and I am not bidding for votes. If you want to honor the Veterans, give them a front seat, not a back seat. I want, Mr. President, to be fair, but the gentleman from Londonderry is not fair; he is bidding here for recognition and support for something outside of this Convention. Now you have here a resolution to put the Veterans in the front, and I would like to suggest we put the four candidates for the United States Senate in with them.

*Mr. Pillsbury of Londonderry.* — Mr. President, I have lived here in New Hampshire so long and have had so many slurs and attacks made upon me and upon my character for doing what I believed was right that a flea bite don't disturb me. I say that these men would honor us. I have not asked to give them back seats, but the second, third and fourth row in the center, as near to the Secretary and President as any seats, excepting four in

this Convention, and if the gentleman thinks he can serve his master by attacking me, he is perfectly welcome to that privilege.

On a *viva voce* vote, the resolution of Mr. Pillsbury of Londonderry was unanimously adopted.

It was moved by Mr. Sanders of Derry that the further drawing of seats be dispensed with.

Question being on the motion of Mr. Sanders of Derry, —

*Mr. Young of Rochester.* — Mr. President, I hope that motion will not prevail, for the very reason it will cause confusion. Let every man have the seat he is entitled to. I hope the motion will not prevail.

On a *viva voce* vote the motion did not prevail.

(Mr. Streeter of Concord in the Chair.)

Seats were drawn by the delegates in accordance with the resolution.

(The President in the Chair.)

*Mr. Lyford of Concord.* — Mr. President, we can go to work this afternoon in a Committee of the Whole by suspending the rules at that time, on one of the propositions that have been submitted here, namely, the timber proposition, because if that amendment is referred to a committee, it would not be changed in form at all, but would be reported back to the Convention in its present form.

On motion of Mr. Lyford of Concord the Convention took a recess until 1.30 o'clock this afternoon.

AFTER RECESS.

The Convention met at 1.30 o'clock.

Mr. Tyng of Ashland offered the following resolution:

RESOLUTION No. 11.

Creating the Office of Legislative Draftsman.

*Resolved*, That the Constitution be amended by adding to the section entitled "The House of Representatives" a new section, as follows:

The Governor shall appoint, with the approval of the Senate, official draftsmen, competent to put drafts of laws into proper legal form.

Every bill for presentation in either House shall if possible be submitted to an official draftsman, whose duty it shall be to suggest such changes as may seem to him necessary to make clear the intent of the bill. Bills not so submitted shall become law only by vote of an absolute majority of the membership of the Legislature.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Tyng of Ashland introduced the following resolution:

RESOLUTION No. 12.

Relating to the Governor and Council.

*Resolved*, That Article 46 of Part Two of the Constitution, beginning with the words "The Governor and Council

shall have a negative on each other," be stricken out, and likewise the words "and council" in Article 45.

The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

Mr. Cavanaugh of Manchester introduced the following resolution:

RESOLUTION No. 13.

Relating to Future Mode of Amending the Constitution.

*Resolved*, That the Constitution of the State be amended as follows:

Amend Part Second of the Constitution by striking out Articles 98 and 99 of the same, and inserting in lieu thereof the following:

ART. 98. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature; and if the same shall be agreed to by a majority of the members elected to each of the two branches, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published in some newspaper in each county of the State for three months previous to the time of holding such election; and if, in the Legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each branch, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner, and at such time, as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, or any of such amendments, by vote of at least



two thirds of the electors voting thereon, such amendment or amendments so approved and ratified shall become part of the Constitution; *provided*, that if more than one amendment be submitted at the same time, they shall be submitted in such manner that the people may vote for or against such amendments separately.

ART. 99. If at any time a majority of the Senate and House shall deem it necessary to call a Convention to Revise or Change this Constitution, they shall recommend to the electors to vote for or against a Convention at the next general election for members of the Legislature. And if it shall appear that a majority of the electors voting thereon have voted for a Convention, the Legislature shall, at its next session, provide for calling such Convention.

The resolution was read, laid on the table to be printed and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

Mr. Chase of Manchester offered the following resolution:

WHEREAS, We recognize the fact that time as well as money and other resources should be conserved in these times of stress; therefore, be it

*Resolved*, That the time for making speeches shall be limited, the first time to ten minutes; the second, five minutes, and no member shall speak the third time upon any one subject without the consent of two-thirds of the delegates present.

Question being on the resolution of Mr. Chase of Manchester. —

*Mr. Lee of Concord.* — If the gentleman has no objection, in the third article I would suggest he say “without the unanimous

consent of the Convention to speak the third time on any subject."

*Mr. Chase of Manchester.* — I think I will not accept it, for this reason; sometimes one person will want to say something that might be very important.

*Mr. Duncan of Jaffrey.* — I would like to ask if this is adopted if it will apply to the Committee of the Whole; it seems to me it ought to.

*The President.* — I don't think it would.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Lyford of Concord, the rules were so far suspended that Resolution No. 1, Relating to the Taxation of Growing Wood and Timber, was taken from the table.

Mr. Lyford of Concord moved that the Convention resolve itself into Committee of the Whole for the purpose of considering Resolution No. 1, Relating to the Taxation of Growing Wood and Timber.

Question being on the motion of Mr. Lyford of Concord, —

*Mr. Woodbury of Woodstock.* — Gentlemen, I understand there are three resolutions that have been introduced in regard to the matter of taxation, and I hope that when we consider these resolutions pertaining to the matter of taxation, that we can consider the three resolutions together in a Committee of the Whole. I am going to take only a few minutes of your time. I am not going to take more than two minutes. I think the issue before this Convention, and the only issue, is to submit some kind of a feasible proposition to the voters of this State in regard to our taxation laws. Now there are three amendments proposed. I think one gives all the powers to the Legislature; it does not specialize any particular method of taxation, but it gives the Legislature the entire control of the situation, as I understand it, so far as it can be given. The first resolution pertains to one particular subject or possibly two. I think if we are going to present any feasible proposition to the people, we must present some proposition that is going to be fair, and understood to be fair, to all sections of the State. Now I hope that the gentleman

from Concord will accept my suggestion, which is that these three measures be considered in a Committee of the Whole together, and then after the consideration by the Committee of the Whole, and the Convention understands just what the feeling on that question is, then from these three resolutions there may be some sort of proposition framed up by the Committee on Legislative Department that can be brought before this Convention and adopted. Then we can go before the people with some kind of proposition that will relieve, as they say there should be some relief in regard to taxation, so far as our Constitution is concerned. When that is done, I am perfectly willing, so far as I am concerned, to see this Convention adjourned to some future time to consider other amendments and to go home, and I hope the gentleman from Concord will accept my suggestion.

*Mr. Lyford of Concord.*—I should be very glad personally to oblige the gentleman, but I think that we will make more progress at this stage of the Convention by considering this concrete proposition. The amendment is a part of the amendment that was worked out in the last Convention. It was coupled with an amendment classifying property of the kind known as intangibles. As I understand the gentleman's amendment, which he was kind enough to show me, it opens the door, with no restrictions, to legislation on the question of taxation; and the other amendment to which he refers, I presume is the one which I introduced which is the amendment in regard to income taxes and which would cover the intangible proposition. I have no wish in this matter one way or the other, but it is my belief that today you can take up this amendment on the question of the taxation of growing wood and timber and reach a vote one way or the other on it. The amendment of the gentleman, to which he refers, that he has introduced, is a very broad amendment. Whether I am in favor of it or whether this Convention is in favor of it, it may require a good deal of discussion. It seems to me that it is a great deal better this afternoon, at this stage of the proceedings, to consider this amendment that needs no tinkering as to its phraseology, instead of coupling it with other amendments that will naturally go to committees.

Mr. Duncan of Jaffrey moved to amend the resolution of Mr. Lyford of Concord by adding thereto, Resolution No. 2, Relating to the Powers of the General Court, and Resolution No. 5, Relating to Taxation.

Question being on the motion of Mr. Duncan of Jaffrey to amend the motion of Mr. Lyford of Concord, —

*Mr. Duncan of Jaffrey.* — Mr. President, it is a maxim that “the whole includes a part.” Now the proposition of the gentleman from Woodstock covers the whole field of taxation. It seems to me that that is the first question to be decided, whether this Convention is going to submit a wide open amendment or not. After the Convention has decided whether or not to do so, if it decides it will submit the Woodbury amendment or some modification of it then there will be no further need of discussing the forestry amendment; if on the other hand, the Convention decides not to submit the Woodbury amendment, then will be the proper time to take up the parts, the forestry amendment and the amendment proposed by the gentleman from Concord, Mr. Lyford. It seems to me that the first thing for us to do is to discuss the whole question before we try to discuss parts of the question.

On a *viva voce* vote the motion of Mr. Duncan of Jaffrey to amend the motion of Mr. Lyford of Concord, did not prevail.

Question being on the motion of Mr. Lyford of Concord, —

On a *viva voce* vote the motion was adopted.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Snow of Rochester in the Chair.)

*Mr. Ayres of Franconia.* — Mr. Chairman, I rise not to address the House, but merely to ask a question as to its pleasure. We have in this body several specialists upon the subject of forest taxation. One of these is Professor Updyke of Dartmouth College, whose specialty is taxation and who has studied the subject of forests in the State; another is Mr. J. H. Foster of Waterville, formerly Professor of Forestry at our State College; and Mr. Amey, our Tax Commissioner, who has paid special attention to forest taxation; and I ask if it would be the pleasure of this House to hear from these gentlemen.

*Mr. Amey of Lancaster.*—I was not aware that I was to be drawn into the fray. I may decide to discuss this question, but I want it understood that I am not to be delegated to discuss it.

*Mr. Ayres of Franconia.*—If it is not the pleasure of the Convention to hear from the specialists, I would like to make a few remarks of my own. What I will say is merely to introduce the subject. I have already said to the Convention that the forests of the State are one of its fundamental resources. It is estimated that in the pine woods alone we have upwards of fifty million dollars in value in this State. The United States census of 1900 has given us the information that taking our woodlands as a whole, there was at that time annually sixteen million dollars of gross revenue from our woods. This is probably very much larger now and possibly double. This gross income is used in paying our men who operate the woodlands, and the families that work in the wood-working factories and mills, of which there are about six hundred in the State. Another fundamental resource of New Hampshire is its water power. The water powers of New Hampshire are used very largely by other States, but the water power depends in a large measure upon the condition of the standing woods in New Hampshire. There, of the two, our woods are the more fundamental.

Woodlands in New Hampshire have disappeared very rapidly, largely from the advance in price of timber and from the system of forest taxation under the Constitution and laws of the State, which the Tax Commission has endeavored to enforce. It is reckoned in the judgment of some of us who have been much in the woods and have studied the situation, that the present condition is seriously at fault, and that by an amendment to the Constitution it can be improved. Indeed, the last report of the Tax Commission has suggested this to be the fact, and has given the resolution unded discussion.

Timber grows slowly. The forest experts have shown that spruce increases seldom at a rate of more than two per cent a year; that pine will grow faster; depending upon its site; on a first class site in New Hampshire, it may sometimes reach a growth of five per cent a year. As a rule, pine in New Hampshire increases from two to three and a half per cent a year. These are facts you can easily verify by others who have studied the subject, and they all agree. If your tax rate is two per cent a year and the growth two per cent a year, the entire income of your forest for the year is taken up in taxes. If your taxes are more than two per cent a year and your growth is less than two percent a year, there has to be taken out of your pockets something more than your total annual forest growth to pay the

taxes. In order to determine your final profit this sum which you have to pay out annually has to be compounded at say four per cent interest until the final returns from your timber is in, then deduct from the price you get for your lumber. This is confiscatory taxation. I understand it is the habit of the tax assessors in all States to regard anything that takes fifty per cent of the annual produce as confiscatory. We have in New Hampshire a system of forest taxes that takes the entire profit in many cases, and sometimes takes more than the value of the annual growth.

Why then are people so anxious to buy up timberlands and hold them? The reason is because we have been on a steadily advancing market in timber for a number of years. Since the war broke out, the price of timber has advanced very much more rapidly than before. That advance in price has been a market condition and the profit in holding timber has been speculative more than a stable profit. Timber would have disappeared because of taxation very much more rapidly than it has had there been a stable market for timber all the time. Timber has fluctuated in the last ten years more or less in value. After the Civil War there was a considerable slump in timber, and there may be a considerable slump after this war is over. Just as soon as the enhanced present value of timber is realized and the Tax Commission enforces the law, that is, places full assessment upon the new high values, and thus doubles the taxes which we are now paying upon our timber, a considerable part of our forest lands will be forced upon the market. Those of you who come from the southern towns in New Hampshire know better than I can tell you the extent to which the timber is being cut off, and many of you know the exact reason why it is cut off, because the owner hasn't ready money to pay out in taxes every year until he cuts his woodland. Some of the towns have responded more than others to the efforts of the Tax Commission to enforce the law. Some of the towns have continued to do about what they thought was right to the timber, because they knew to enforce the law would be practically to make more difficulties for the town. Other towns, in need of additional revenue, have responded to pressure from the Commission. The result is we have great unevenness between the different towns, and sometimes we have great unevenness in the same town. Analyze the situation. The result is that we have almost as many systems of forest taxation as we have assessors. Some of the towns that are short of revenue have yielded to the pressure of enforcement of the law, and those not in need of the revenue have let the timber remain at the lower rates. Because it is impos-

sible to enforce the present law, we ask for the passage of this amendment.

As I have said before, this is not an attempt on the part of the timber owners to escape taxation. The votes and remarks of the large timber owners in this body since yesterday morning have shown you that the large timber owners are not particularly interested in changing forest taxation. It is in the interest of the small owners, who hold four-fifths of all the timber in New Hampshire that we ask this amendment, and it is largely in the pine region, where the selectmen and everybody else knows the value of the timber lot, and where it is not easy to evade the enforcement of the law which says full valuation shall be taxed every year. Therefore, gentlemen, in the interest of the small woodland owner, and particularly in the pine region of the State, which brings in possibly as much as eight million dollars a year gross revenue, we ask you to amend the Constitution in such a manner that the tax may be differently applied and come to payment at the time when the timber is cut and the owner will have something to pay.

Now there is only one other point upon which I will detain you, and that is, what will become of those towns in which the present tax revenue comes largely from timber, where the population is small and the property values, except timber, are small, and yet they have schools and roads to maintain. This has been worked out in the States of Massachusetts, Vermont, Connecticut and Pennsylvania in a way that is satisfactory to the towns affected. I believe that the best system is by some arrangement of an amount to be loaned by the State, by which the tax burdens of those towns can be relieved, at least in their payments to the State, until the timber is cut and the tax is paid to the town. At any rate, this problem is being worked out satisfactorily in other States. The language of the law in Massachusetts is very cumbersome, but the meaning is plain, and we can adopt a system in New Hampshire that will meet that need, but this is properly a matter for the Legislature. Therefore, gentlemen, as a representative of the Forestry Association of the State, I ask you for the protection of our forests, and I ask you to pass this amendment.

*Mr. Abbe of Dublin.*—I am quite anxious to hear these other gentlemen speak of whom Mr. Ayres has spoken. I suggest they give us their views.

*Mr. Foster of Waterville.*—Mr. Chairman and Gentlemen, my name has been mentioned here, so I felt perhaps I ought to voluntarily come forward and say something. My interest in the question of forest taxation dates back to about ten years

ago when I was in the employ of the Government, in the forest service. At that time the Government was coöperating with our New Hampshire Forestry Commission in a study of the question of forest taxation, with a view of finding out just what effect the general tax law had in the cutting off of timber lots. I spent at that time some six months in the State of New Hampshire studying the question and looking at the wood lots, particularly in the southern part of the State, as well as some larger timber tracts in the northern part. My report was published in the report of the Forestry Commission for the year 1909-1910, and showed very much what Mr. Ayres has stated to you: that there was great irregularity in the method of assessing lots; in some towns lots were assessed very much higher than they were in others, and lots in the same towns were not always assessed equally or fairly as between them. There were all sorts of variations; but in general, it was shown that where the lots were assessed highly, the lots were being cut off more rapidly than where they were not fully assessed. This was quite a long time ago and I haven't the details fully in mind. Several years after I went to Durham as Professor of Forestry, and in coöperation with the Forestry Commission and the Tax Commission, it was my pleasure to make another study of the same 250 or 300 timber tracts I had examined in 1907. These lots were reëxamined, and also the conditions, which had changed since the time when I first made the study, were looked into to find out what had happened to these lots in the meantime. I wish I had my figures in detail with me here now; but I want to say to you that most of these timber lots which I had examined in 1907 and which I further reëxamined in 1912, I think, or 1913, had been cut off, and those which had not been cut off were being held for esthetic purposes, and the taxation of these lots had been raised very much above what they had been when I had first studied them, and the presumption was rather clear that these lots had been for the most part forced on the market by the constantly increasing valuation. These lots were mostly in the southern part of the State. My interest never has been, in so far as the study of taxation is concerned, applicable to the northern part. I believe that the timber lots, the big timber tracts, are so much vaster than the wood lots which are parts of farms, that we can hardly consider them at the same time, but it seems in my judgment that the farm wood lots have suffered tremendously from the effect of high valuation.

Now any forester can show you by means of figures, and very simple figures, that timber does not grow as fast as



some people think it does. Some good live pine lots do grow fast, but the majority of lots grow slowly; two per cent on the volume per year is about as much as any standard timber lot will grow. Now that isn't very much, and when we tax it two per cent, we are taxing all the value it increases. In other words, you are taking away the income, and if you have only growing timber, the principal that is in that timber is not great enough so that you can get all you should if you put it on the market and cut it off. In other words, it has a prospective value which is enormous; but it has at the time only a small value, which it would be possible to obtain if you put it on the market. If you took away the income which that lot has in the growing timber, by means of taxation, it lessens the principal which is there, and the burden on the owner has got to be taken away either by his cutting the timber or else we have got to change our system of taxing that land. The growing timber in this country, and particularly in the southern part of our State, is being cut, as I believe, very largely through the fact that the farmer and the owner do not have the money to pay the taxes on the lot, or if they do pay they have to obtain funds from some other property; and if they intend to hold the growing timber, they have got to hold it at more or less of a sacrifice.

Now I know these facts are true, and while I cannot present them to you in the way I would like to do and as I would if I had all my figures before me, yet I want to impress upon you there is a time coming when we will need to change taxation. It may be now or it may be best to wait for awhile. I have no final solution to offer. I could tell you perhaps what systems they are using in Europe and other States; and this I can tell you, the truth is we cannot assess this growing timber in the same way that we assess other property. You can not get an annual income from it. It is there, laying on new wood each year, but it cannot pay taxes year after year at the same valuation you assess other property. If you do it becomes confiscatory. Where people have made money in pine lots or other lots is the fact that they have had a rapid increase in stumpage, a speculative value. That speculative value has made a lot of money for people, and has nothing to do with taxation. We know there is money in speculation; buying a lot cheaply and cutting it and selling it, you make money from it, but speculative value is not something you can count on. We all know prices are high today. They may go higher but they may not. The principle of taxing the full value of timber lots is unjust and any forester who has studied it will tell

you so. As to the solution, I don't know. I have tried to work out a solution, and I have been discouraged. Others have tried, and some States have passed very good laws in regard to it. This I do ask you to do, that is, make it possible to assess all growing timber lands differently than we assess general property. Then as to the manner of assessing, leave that to further investigation and the Legislature to determine; but make it possible to assess it differently than we do other general property. Whatever way they might work out the problem isn't a question for us to decide or for me to try to tell you about. I feel certain that it is only a matter of justice.

I would be very glad to try to answer any questions you may have, but I am not a public speaker, and I cannot think at this moment what else I might say to you that would be of any importance.

*Mr. Ayres of Franconia.* — I would be glad to distribute a number of copies of your report, which I have not at hand this moment, but we can have them here tomorrow morning.

*Mr. Foster of Waterville.* — I might add further that you will not find the big timber men of the country interested in this. I know they are not. The big timber land owners of the north are not going to profit by anything we might do to change the assessment of growing timber lands. We do not necessarily want them to, but we want to save our growing timber, and you will find that the people who are being hurt by the present assessment and who are anxious for some change are the small farmers, who haven't very much money but who have growing timber lots in connection with their farms. Those are the people who are suffering and whom we want to favor and help if it is possible to do it.

*Mr. Towne of Franklin.* — Mr. President and Gentlemen of the Convention, when I accepted the nomination and election to become a member of this body, I came with the same thought that many of you did, as expressed yesterday, that it was necessary for us only to come here and adjourn to some more appropriate time. Since then I have conversed with men from all sections of the State. I have read practically every newspaper published in the State; and I have found there was one question which weighed upon the minds of the people and which they desired to have settled and settled in a satisfactory manner, and that was this question of taxation, and so for that reason and that reason only, I voted no, yesterday, on the question of adjournment, entirely different from what I expected to vote when I was elected last March. I wish to emphasize, if I may, what has been said by the gentleman who has just spoken,

that the passage of this resolution isn't something which will benefit the wealthy land owner or the wealthy timber owner. It was this thought which defeated the amendment which was recommended eight years ago, I am very sure. The southern part of the State, you will remember, voted practically for the amendment, while the northern part of the State voted against it. The men who own large tracts of timber do not need this amendment. They don't care for it. Why? Because their timber is ripe for the cutting, and if an assessment was made whereby the timber now should be taxed at its full value, they would be taxed more than what they care to pay. As one of them said within a day or two privately, "We have had our taxes paid before we bought the timber;" and the man who owned the land and allowed the timber to grow upon that land was the man who had paid the taxes. Gentlemen, an amendment of this kind will benefit the men who have timber lots of ten, twenty or forty acres; and gentlemen, a member of this Convention, whose name I do not know, with whom I was speaking this morning, told me that he recently sold two hundred thousand of pine simply because the taxes were eating it up. Now, you gentlemen who understand the growth of timber know that a tree ten or twelve or fifteen inches in diameter is growing very rapidly; it is increasing in value very much faster than it did for the first ten years of its life. That is the time, gentlemen, when that tree should be allowed to grow, but as the law now stands, and as the Tax Commission insists upon property being taxed at its full value, if those trees are taxed at their full value year after year, the tax becomes so large that the small farmer, especially, as was said by the gentleman preceding me, is obliged to sell to obtain the money to pay his taxes, and in that way the man who owns the lumber not only loses the value, but the State also loses that value. Timber in the State of New Hampshire is an asset for the State, and the more timber we have the more value the State possesses.

Now I haven't very much to say. There are other arguments which will be made to you by other gentlemen; but I do want to say this much more to you. I have explained why the amendment was defeated eight years ago, in my opinion, and how it should now be reconsidered and made a part of the work which this Convention should do, and the matter referred back to the people to let them vote upon it, and if necessary, and probably it is best, to vote upon this question of taxation separately from the question of the taxation of intangibles. I believe that these two amendments are the most important amendments that can be brought before this Convention today. We may believe there

are many other things in the Constitution which should be changed; perhaps almost any one of us could rewrite it to suit ourselves better than it stands now; but these are the two most important things to be considered, and I hope they will be considered carefully and conscientiously, and that before we adjourn we shall have passed suitable amendments, so worded that they will carry conviction to the voters and that they will become a part of the Constitution of the State of New Hampshire.

*Mr. Duncan of Hancock.* — It may be presumptuous for me to get up here to speak to you. I am not an orator or a statesman. I am one of these farmers that have been referred to here, in whose interests some of these people seem to be laboring, but we don't look at it in just that way ourselves. Now, to answer first some of the things that were said last. The two last gentlemen have said it was the small farmer, the man who has a small woodlot who is interested in these amendments about taxation. Now, think for a minute, gentlemen; if I have a farm of two hundred and fifty acres and perhaps as much more in wild land — I am not here to boast, as the girl said who went to confession. She said: "Your Riverence, I have to confess that Mike Mahony kissed me." He said: "Did he kiss you more than once?" and she said: "I am not here to boast, I am here to confess." I am not here to confess, but merely to say if your town in which you reside raises \$20,000 in taxation, and one-half of your property is exempted or greatly reduced, why doesn't it double up on the other half? Now we are common people here today, that is, some of us; we haven't sent out hundreds of dollars' worth of circulars and personal letters in the interests of the side that retains us; we didn't have a preliminary meeting; we didn't choose a steering committee to see this thing through; but it seems to me this side should be heard.

I have been a little interested in this for several years, and I just noted down a few of the facts which interested me in connection with this subject. Now it was said here yesterday by the gentleman from Concord that this amendment lacked only a few votes of passing eight years ago. After hundreds of dollars had been spent in sending out circulars to the people and in writing them personal letters urging them to vote for the amendment, the vote stood in 1912, 12,637 in favor of this amendment and 23,108 against it.

Most of the circulars sent to the members this year state that the main reason for calling this Convention was for the relief of these timber owners. Now look at your red book which we all received. Out of about 85,000 voters, 21,598 voted for this Con-

vention; 14,520 voted against it; not a very imperative call, it seems to me, if this was a matter of such great interest and after so much effort had been made to arouse interest in this subject.

In the Convention seven years ago a young lawyer from Manchester, whom I afterwards learned was secretary of the Timber-Growers' Association, said that at the rate the timber was being cut in New Hampshire, in ten years there would not be a log big enough to saw an eight-inch board. I don't know but he was worried that if he lived a great while there would not be lumber enough in the State to make him a coffin. I wish I had that young man with me a short time. I should like to show him a little timber in the southern part of the State. The last speaker claims there is no timber in the southern part of the State. I would like to show him too the property of one man who has recently died, where the appraisers have found, as they claim, some thirteen million feet of lumber. I would take him to the property of another man who has passed away, where they claim there are twenty million feet of lumber. I would take him to the property of another syndicate or association or company, where, a short time ago, on account of the death of somebody, it had to be looked over and appraised. My son-in-law, Mr. Pickard, was interested in it, and he told me Monday morning they claimed over thirteen million feet on that; and I might go on. One man after the Convention convened and when this amendment came up—he is a friend of mine, and they say he is worth a million dollars, but that don't help me any,—wrote me a personal letter and said: "I hope you will vote for this amendment;" and today he has property where the pine is deteriorating.

Now, when Ex-Governor Batchelder was Secretary of the State Board of Agriculture, the State, through him, laid out thousands of dollars advertising abandoned farms and encouraging people to come back to the farms in New Hampshire. What is the condition in the southern part of the State? Wealthy men have come in and bought up large tracts of land, some of them five or six or seven or eight thousand acres. We all know something about the Austin Corbin Park, where they have 28,000 acres. What is the result? Whole school districts are abandoned; buildings are laid low. In our section a man has bought six or seven thousand acres, run a barbed wire fence around it, and lets it grow up wild. One of these men bought a farm in the town of Stoddard, with a fine barn, all clapboarded and painted, and with a good farm house. He would not allow anybody to do anything with them, and the barn literally fell into the cellar.

and that was within half a mile of the village; and he just uses it as a shooting range and lets it grow up to wild land. You encourage these wealthy people to come in and buy up our wild land by not having them pay a tax, and it seems to me you are just putting a premium on abandoning these farms; I tell you, gentlemen, we need the farms and the men back on the farms in these times, raising potatoes and beans and sheep and cattle, more than we do to encourage these wealthy people to come in and buy up the land and turn it out wild. They won't pay any income tax on these lands if the pine is growing, and why, if it is such a poor investment and the taxes are eating up all the profit on the growth, are they so anxious to buy the land? I know some that were frightened because there wasn't going to be any wood and timber by and by. I can remember when I was a boy they used to say: "What shall we do when there is no coal? what shall we do when the kerosene is exhausted?" Some have been worrying about it ever since. Just see what substitutes are being used to take the place of coal. They discovered electricity; and the Connecticut River Power Company is generating electricity enough to take the place of the consumption of 300,000 tons of coal a year; and I read only a short time ago in the Review of Reviews that George M. Mitchell of the United States Geological Bureau, has discovered a substance from which gasoline can be made, and there are large quantities of it in Nevada and Wyoming.

Considerable has been said about lumber being higher than it was. That is true; but is it higher on the stump, very much higher? I say no. I have interviewed lumber men who say now that the increase in price is due to the labor problem, that is, the increased expense of labor. Then the substitutes for lumber. They are not using as much lumber in ships as they used to; they are using steel and cement; they are not using as much in making buildings; they are using cement, brick, etc. Passenger cars and freight cars are being built of steel; and so you can follow it clear down through to the farm and your grindstone frame or the pail you buy your white lead in. Something else is being substituted for lumber.

I don't believe, gentlemen, that the common farmer in this audience or his constituents at home, who have little wood lots, is anxious to see the taxes reduced on them and the taxes put upon the rest of his property, when it is going to reduce the taxes on these big estates of five or six or ten thousand acres. Do you know, gentlemen, one twentieth of all the real estate in the United States is now owned by 1,694 men. Do we want to pass any law or make any arrangement or submit any amendment

here that is going to encourage the purchase of such large estates by a few wealthy men, perhaps non-residents, and in time encourage such a situation here as has prevailed in Europe? Abraham Lincoln said: "God must have loved the common people or he would not have made so many of them." I am speaking here in the interests of the common people.

*Mr. Brennan of Peterborough.*—I know the delegate from Hancock to be a very honest, reputable gentleman who would not knowingly deceive this Convention. He has made an error. The figures of the State vote are given by him wrong end to and his county and his town do not strongly support him in the position he has taken before this Convention. As to the statement of the vote which he gave, I wish to call attention to the fact that on Amendment No. 3, which was similar to the one we are now discussing, the State vote on its adoption was not as he gave it, but was 23,108 yes, 12,636 no; that of Hillsborough County, his county and mine, was largely yes, 5,807 to 3,180; that his own town of Hancock was only 5 majority no, while my town of Peterborough was 66 majority yes.

While I am on my feet, I wish to express my views very briefly on this matter. We may differ as to just what changes should be made by the Legislature; we might indeed as legislators differ as to just how that power should be exercised, but we should here in this Convention decide this question, namely: Should conditions remain just as they are or should there be come kind of a change made, or some further grant of Legislative power given in matters of taxation? That is the question. If we come to a Legislature, which has such extension of taxing power, we must then determine upon the justice and wisdom of exercising that power, the details of which will have to be worked out there; the question will then be as to just what change if any should be made by the Legislature relative to taxing timber, intangibles, etc. But it will simplify matters here if each of us asked the questions: Should there be any change in present conditions? Should we give any further taxing power to the Legislature? Those who answer no, believing that the present Constitutional curb should remain, will be on one side; and those who believe there should be some change, — while perhaps not entirely clear just what the details should be, but convinced that present conditions are bad, — will be on the other side. It seems to me if we divide ourselves on that preliminary question, we will make more progress than would be accomplished in going into the details at first. Of course, we may discuss these details somewhat in determining this question, but, Mr. Chairman, on this particular matter, I believe almost every person, in this hall has discussed and



heard this question of extension of Legislative power discussed, and I am satisfied that most of the delegates have made up their minds, not perhaps just what the details should be but as to whether or not there should be any change in our Constitution, giving more power to the Legislature regarding taxation. I suggest that we keep our eye upon the target and discuss the question as to whether or not any change in the Constitution in this regard is desirable. Those who will say we do not want any change will vote one way and those who believe Legislative power should be increased will vote the other. I am of the opinion that our Legislature should be given larger discretion in the classification of property for taxation.

*Mr. Streeter of Concord.* — May I ask a question? I think other members of the Convention as well as myself, must be confused by the figures which you and Mr. Duncan have been giving us. I want to ask if you are sure you are right in your statement?

*Mr. Brennan.* — I am quite sure I am right; I read the record of votes from the Journal.

*Mr. Streeter.* — As I understand it, the way you read it, there was a majority in favor of about 10,000.

*Mr. Brennan.* — I will say to my Brother Streeter that there was a large majority in favor, but it is necessary to have a two-thirds vote to adopt an amendment to the Constitution; there was not a two-thirds vote, but there was a large majority vote.

*Mr. Amey of Lancaster.* — It lacked about 700 of two-thirds.

*Mr. Duncan of Hancock.* — I want to apologize if I have made a mistake. I will say that this matter has been discussed at our Old Home Day gatherings; it has been discussed at the Pomona Grange in Hillsborough County. The people of Hancock are in the habit of sending a Democrat to the House, but although they nominated a very strong Democrat against me, I got almost two votes to one exactly on this issue, and I take it the town is behind me.

Now just one other thing; I wonder why it is 420 or 430 men here are not supposed to be as clever as the men that come to the Legislature; are not supposed to know as much or to be able to discuss this matter? I wondered, as I listened to those who believe in this project, — they have had preliminary meetings, they have an organization, and they have sent out circulars, this, that and the other — and I wondered if it occurred to them that in the Legislature they could slide the matter through a committee and get a favorable report and the people in the house would not have much chance to discuss it; and they could push it through the Legislature easier than they could here, where everybody can speak their mind. After they failed to get it



through the last Convention or failed to get the matter approved, in the closing hours of the Legislature when Felker was Governor, they tried this very thing, and Charles O'Neil said: "It is not right; it is not fair to the people of New Hampshire to try and put through such a momentous proposition without giving the people plenty of time to discuss the matter and be heard upon it." More than that, some thought it would not be Constitutional. They had people here to try to push it around so it would go. I can remember when people came here and stayed all winter in the "Third House" and nothing was said about it, but lately they have to register and say what they are here for and what they get. Among the records there is this item: "The New Hampshire Timber Growers' Association: paid F. H. Bullard, \$450." I don't know who he is; perhaps it was all right; but it simply shows there was money being paid to push this thing through. I wasn't certain of the sentiment when I got here, but I have heard a lot of talk, for my hearing is good if my sight is not. I find a lot of people who don't believe in this measure, and I find there are a lot of people here who believe that today we ought to put our foot down upon it so it won't bob up again in the Legislature or anywhere else. I believe there are people here, just the same as I am, who were elected on this issue to come here and do what they could to kill it out and give the common people a chance to keep their farms and live on them.

*Mr. Mason of Keene.* — Mr. Chairman and Gentlemen, I don't own any pine timber and I don't expect to. I don't know very much about the question of taxation, but I was very much interested in the figures that were given a few minutes ago, and having experimented somewhat with these figures, in connection with another resolution, I tested them and found the same results that the previous speaker has found; but it seems to me you cannot emphasize that fact any too much at the present time. What was the attitude of the people of the State of New Hampshire on this question the last time they voted upon it? In the first place, it was presented to them tied up with the question of the taxation of intangibles and bank stock, and I think perhaps that alone would have caused the defeat of either one of these propositions, because there were people who were opposed to each of these questions separately; but in spite of the fact that it was tied up, as it was, with the taxation of intangibles and bank stock, 23,108 people voted in favor, and 12,636 voted against it. If 23,828 had voted for it, it would have been carried; that is, if 720 more people had voted for this measure in the whole State of New Hampshire, the amendment

would have been carried in 1912, by a two-thirds vote. Let's fix that in our minds; if only 720 more people had voted for it or 311 people had changed their minds on that vote, tied up as it was with the intangibles and bank stock, it would have been carried. As I say, I don't know much about pine timber or taxation, but if the people of New Hampshire came as near to passing this amendment at that time it is only fair to give them a chance to vote on the question again, and I hope the motion will be carried.

*Mr. Hutchins of Stratford.* — I assure you, gentlemen, that I will not detain you long but I have a private opinion in regard to the taxation of timber lands, growing wood and timber, and my opinion is based upon personal experience of nearly thirty years as a lumberman. To preclude my remarks, I will say that I am an extensive timber owner, myself.

I can assure you further, gentlemen, that if you look through the three northern counties of the State, Coös, Grafton and Carroll, which constitutes nearly 50% of the area of New Hampshire, you will find that nine-tenths of the men that have become wealthy or nine-tenths of the estates that amount to anything financially that have come into our Probate Courts derived their wealth directly or indirectly from timber projects. They have not suffered under the present rule of taxation. If the selectmen throughout the State will enforce their good judgment and show their gray matter properly, there is no danger of burdening anybody, in fact there is a way of interpreting the present tax law and there is still another way of interpreting the same law.

The method adopted by the Town of Stratford, and I feel that it is a just method, is as follows: The selectmen figure the acreage of a lot and if a man has a few thousand acres of timber they figure the value of the land proper for the purpose of growing timber upon it, and it is certainly worth more when it is a tract of growing lumber or mature lumber worth \$25 per thousand than it is when it is a growing tract and lumber is worth only \$10 per thousand.

We tax our lands from \$3 to \$4 per acre without growth, which I should say, on the whole, is satisfactory to everybody; and if we examine our lands and find that there is nothing growing upon them, then we do not tax them more than the land value proper, but if there is any more value to it, we tax what we find in addition to the land value. If it becomes a property of sufficient value to buy and to sell for the purpose of commercial gain we tax it for as near its true value as we can determine, taking into consideration location and market value as of April 1st each year, and this we feel is just, and we are entitled to

exercise that right; consequently the more timber we find the higher we place the valuation.

The Town of Stratford is worth a million and a quarter of dollars upon our tax books, and I took pains to look the day before I came here and found that over \$734,000 was placed as valuation of unimproved lands, which means growing wood and timber. Upon our assets, as a whole, we have constructed a fine brick schoolhouse that cost us \$35,000. We have also constructed, under State supervision, fifteen (15) miles of the West Side Boulevard, paid our proper share toward its construction and are maintaining it according to law and the present policy of the State Highway Department.

We have bonded the town to pay for these improvements and are maintaining a town suitable and pleasant in which to live, a fine place to come for comfort and education, and, we have balanced our finances and expenditures upon our assets, which, of course, comprise our timber tax. If the timber tracts are taken away from us under classification, we then become over-balanced and all the expenses of the schooling of our children and the maintenance of our highways would fall upon the day laborer and the farmers, and I say, gentlemen, that it is an injustice to try to amend the Constitution in such a way that it will affect the whole northern part of the State directly and the State as a whole indirectly. What is true of the northern part of the State perhaps is also true of Cheshire and Sullivan Counties.

Still further, if you will travel from Manchester through to Exeter over the highways you will see on that trip a vast amount of timber; apparently it has not been cut because of over-taxation. Owners will tell you that they will cut but they will not until market and labor conditions are satisfactory. This question, gentlemen, is largely a matter of sentiment. Mr. Mason spoke of the result of the vote upon this subject when before the people on a previous occasion. I can imagine how it happened. People did not understand the question in all its phases. They did not wake up to the true condition. Every one desires to conserve our forests and our resources. It is not fitting for us to come here at this time, representing our several communities, and to endeavor to cover up a large part of our assets, when the government is searching the whole country with a fine-tooth comb to find every available asset upon which to make levy for taxes and revenue. Who would we be benefiting by this plan? Men and estates unquestionably able to pay the taxes?

What would be the result on agriculture if the State Board were here advocating this measure? They might not be at fault,

perhaps, but they certainly would be short sighted, for just so sure as this resolution is passed and becomes a law, timberlands would be inflated to an enormous value, which would make them accessible only to a wealthy man or corporation. He would have no taxes to pay on account of his growing timber.

Sixty-three per cent (63%) of our State is covered with timber; some of it is brush to be sure, but there is more lumber standing today, if you scale it properly, than ten years ago. That may seem a broad statement but I will defy you to prove that it is not so. Taking the taxation in organized towns where the tax rate is one and one-half and two and two and one-fourth per cent, you would naturally suppose the tax would be responsible for the heaviest cutting, but statistics show us differently. They are cutting off the timber in unorganized towns to a greater extent. In looking over the taxes assessed upon unorganized places in Coös County where there are no inhabitants or organized local government, but which come entirely under State and county control, during the last ten years more than fifty per cent of the timber cut has been taken from these unorganized places where there is practically no tax other than State and county. This class of property in Coös County alone, if I remember correctly, was only \$204 last year. Hardwood tracts today, without question, are rapidly increasing in value. If you doubt this statement, try to buy standing cordwood from some of the owners. I know companies who own hundreds of thousands of acres of timber lands who are charging \$4 per cord stumpage for cutting rights and, in many cases, lots from which such cut has been taken we have found, upon investigation, were not taxed for one-sixteenth part of what they asked for the cordwood alone regardless of the land values. Occasionally we hear of individuals and companies who are liberal and magnanimous enough to allow their employees cutting rights at a lower value but this is an exception rather than the rule. Now, gentlemen, I tell you this is a one-sided question, with wealth in one balance and poverty and hardship in the other.

When the United States Government comes forward and offers the lumbermen \$120 per thousand for clear spruce aeroplane stock you need not tell me that they are overburdened under the present policy of taxation. One spruce tree that will cut 200 feet of aeroplane stock would bring sufficient money to pay the taxes upon the whole lot for twenty-five (25) years. Now, gentlemen, let's not be influenced too much by sentiment. Voters ignorant of the true condition of affairs, influenced largely by sentiment, voted in favor of this resolution when before them the last time, and many of these, as records show, came from the

cities where the propaganda sent out by the Forestry Department and other interested parties was most largely read. I agree with the principles of conservation, but not in the method asked for by this resolution.

We are all selfish beings. Every man is selfish. I am a timberland owner as before stated and what I may be besides a selfish man, it costs me an extreme effort to accomplish. When a man can stand before this Convention and say that he tries to be honest, you would be justified in taking that man and his statement for just what he has accomplished and performed in his own personal and official capacity. If that be true with me it is true with everybody.

Now, gentlemen, as I stated before, do not be influenced by sentiment alone. Do not allow this resolution to be adopted and have our State owned by men of wealth who could, if they saw fit, allow our farms to be abandoned under the guise of growing timber and forest conservation. This would materially reduce and decrease our tillage acreage, which would, especially at this time, be a calamity. We need more tillage land; we want more farms; we want more farmers; we want more food products.

Now instead of adopting this resolution and changing our present law let's leave it as it is and go home to our constituents with clean hands and clean minds.

Mr. Hutchins of Stratford moved that the Committee do now rise and report the resolution with the recommendation that it be not agreed to.

Question being on the motion of Mr. Hutchins of Stratford, —

*Mr. Ayres of Franconia.* — As the Committee allowed me to open the discussion I trust they will allow me a few minutes to close it. I have been naturally very much interested in what has been said, and wish to answer one or two of the arguments. It has been said that under the present system of taxation the big estates in the southern parts of the State have reached the large acreage of thirteen million and twenty million feet in particular areas, and that if this amendment is passed, it will be for the benefit of these large tracts. I want to say this: that under the present system these large tracts have been accumulated because the small owners cannot afford to hold their lands; the small woodlands are forced upon the market, and the large

buyers or large syndicates of buyers who are interested in pine woods in the southern part of the State have been obliged, in order to keep the timber in the neighborhood of their mills and under their control, to buy up this timber in large holdings. There is a member of this Convention who has been buying timber in large amounts, and he states that the reason why he does it is that when owners cannot longer hold their woodlands they are placed upon the market and he has to take them against his will, for if he does not do so, people from outside the State, with mills farther away, will take them. Thus the present system is responsible for taking the timber from the small owners and putting it into the hands of large owners in the southern part of the State.

The last speaker suggested that the gray matter and common sense of the people in the northern part of the State, if their judgment was taken upon the question of what taxes should be paid, would find no difficulty in leaving the situation as it is. I believe profoundly that if the judgment of the local people in regard to timber taxes throughout the State was permitted to be used, that it would be a solution of this question; but by the law which the Tax Commission is undertaking to apply, this matter is taken out of the hands of the local assessors and local people who know the value of timber, and with the enforcement of a bad law which should not be on the statute books and which is grounded in the Constitution, the State officers and not the local assessors are taking the responsibility of fixing the taxes in the towns. It seems to me that the town and not the State officials should fix the tax rate. I am sure that every one of you who has been an assessor or who is an assessor will agree that this is purely a local function, and you will all agree with me that there has been necessarily an effort on the part of the Tax Commission to enforce the law, and the present law is forcing the matter out of your hands as local men and into the hands of a central body of men. I warn you against the further extension of that system, and I believe profoundly with the gentleman who just spoke, that if the law isn't obeyed in Coös County and the gray matter of its men is used for its own local taxation, then it would be perfectly right to go ahead, but unfortunately the law and the Tax Commission who are seeking to enforce the law think otherwise, and so this local gray matter is not permitted free use.

Gentleman, I want to warn you also against the supposition that the present prices may continue. It has been suggested that for airplane stock \$120 a thousand is being offered by the government of the United States. That is correct, but don't

think it will last. It is due to nothing more than a sudden need for airplane stock on American soil; and if your Tax Commission, acting through your local assessors, are able to enforce the law, you will have to pay taxes on \$120 a thousand for all your standing spruce timber, and then you will act pretty quickly.

Something has been said about the circulars that have been distributed. All of these I hold in my hand. One of them has been printed by the State Forestry Commission and bears their name; the other is by the Professor of Forestry at the State College and has been printed by the State College; and the other has been printed by a body of men, a general Committee on Taxation, which includes several noted men, Professor Sanborn, Mr. Caldwell, Governor Bass, Governor Spaulding and others, and it cost about ten dollars and postage of about \$4.36 to send them out. Please don't let such things as circulars weigh on your minds in deciding a question of great importance to the State of New Hampshire. Personally, I believe that the farmers have not sufficiently examined these questions, which concern them more vitally than they know.

Mr. Brennan of Peterborough moved to amend the motion of Mr. Hutchins of Stratford by striking out the word "not."

Question being on the motion of Mr. Brennan of Peterborough to amend the motion of Mr. Hutchins of Stratford, —

*Mr. Brown of Manchester.* — Mr. Chairman and Gentlemen, I have no desire to discuss the subject before the committee at any length or at all, but it has been suggested to me privately that because I happen to be a member of the Tax Commission I should make some remarks in regard to it.

I am not opposed to the proper classification of timber lands. My position in that regard is stated with some fullness in the 1917 report of the Tax Commission. Those who think my opinion is of the slightest consequence can look at that report.

We have had classification in this State. Up to the spring of 1912 we had a classification of timber lands, an illegal one to be sure, but one under which timber was scarcely taxed at all and when at all but lightly. Yet the forests were not preserved. Lumber went out of the State and went rapidly.



Go up into the mountains, up to the city of Berlin, and look about you there. You will see the mountain sides are bare of growth. They have been cut over; they have been burned over; the soil has been washed entirely off the rocks, so that in a thousand years trees will not grow there again. That was all done when standing timber in New Hampshire was practically tax free. Most of the destructive lumbering was done before the timber lands were taxed to any considerable extent, for it has only been since the Tax Commission assumed authority in this particular, six years ago, that any attempt has been made to assess such property at anything like its true value.

There are in this State nineteen unincorporated places. The gentleman from Stratford, Mr. Hutchins, has referred to them. In these places there is no local tax. The only assessment is that of the State and County tax, so that the timber standing there is assessed very lightly indeed. In the last year before the Tax Commission began its work, the tax in the unincorporated places amounted to only three and seventy-nine one-hundredths mills on the dollar, whereas in the surrounding towns as a whole it amounted to twenty-three mills on the dollar. According to the experts, only one thing could happen; the surrounding towns where the tax was relatively high would be stripped of lumber, and in the unincorporated places where the tax was relatively low, the timber would be left to grow. What was the result? The cutting in the unincorporated places was quite as hard and close as in the neighboring towns. It certainly was not the tax there that caused the lumber to be removed. Indeed in the unincorporated places, until a year ago, the tax was never so much as four cents an acre, because there was no local assessment whatever. I think this argument is difficult to answer —

*Mr. Ayres of Franconia.* — I wish you would let me answer it.

*Mr. Brown of Manchester.* — I do not yield to Mr. Ayres at the present time; at a later time he may answer if he can.

Take the pine regions of the State. Have the taxes operated to any great extent to reduce the growth? That growth has been, in my judgment, reduced considerably, though the acreage has been largely increased. Whether in the future the volume will be further decreased is a question. If you have any doubt as to the amount of pine that is growing in southern New Hampshire, when you go home by automobile, as many of you will, look the country over from every hilltop and in every direction, and see what there is. There is still a wonderful supply.

Has not the portable sawmill done incalculable damage in the



pine regions? I ask you, gentlemen, about that. The portable saw mill is erected in the middle of the lot and in that way the necessity of drawing the logs any distance is obviated. The result is that the small growth can be drawn to the mill at slight cost and sawed out at a profit. Every tree that will make a "two by two" piece of sawed lumber is cut. The mill men take a stick no more than four inches through and saw it up because there is a little profit in it, the tree being near the mill. If the growth had to be drawn away to a mill somewhere else it would not be cut so closely. It may be that in some cases the taxes assessed upon timber have caused the owners to sell it. I do not doubt this has been true in some cases, but it has not in many. The portable mill has reduced the pine.

It appears that Professor Foster made an examination of certain timber lands in this State in 1907. In 1913 he went over the same ground again or a part of it to see, if he could, the effect of taxation upon the growth, whether it had caused its removal or not. Now the Tax Commission did not begin work upon valuations, and taxes were not increased at all until the spring of 1912. Of course it was impossible to do much the first year. Therefore Professor Foster's observation, as he stated it, was of a period principally under the old system when timber was not taxed much anyway, and was never taxed at full value.

What has caused timber to be removed? Latterly the price has been the great inducement. Fifteen years ago soft wood stumpage in this State was worth about four dollars per thousand feet. Today it is worth in the neighborhood of fifteen. And do you not think, gentlemen, that property that has enjoyed such a rise in value in the last fifteen years, an increase of between three hundred and four hundred per cent, can afford for a few years more to pay taxes upon a full valuation? It would seem so to me, and I think that this fall when this amendment is submitted, if it passes here, the people of New Hampshire will feel the same way.

What are you going to do to replace the \$1,200,000 that classification on the basis desired by its advocates will take out of the revenues of this State? Where are you going to get that sum?

I can tell you how classification will affect the farmer. All farms, speaking by and large, have woodlots. To classify these lots for taxation at a lower rate than the rest of the farm property will not affect the appropriations the voters make in the town meetings a bit. There will be just as much money to raise as before; there will be more money to raise, because as everybody knows we are entering a period of very heavy

public expenditures, such expenditures as we never dreamed of before. Upon what are the increased taxes to be levied if you leave the woodlots out in whole or in part? If you leave the woodlots out the farmer has got to pay just as much tax but it will be levied on the rest of his property, that is all. The man who owns woodland principally will be a big gainer by the arrangement, but the man who owns other property principally will be a big loser.

I think it is absolutely true of New Hampshire that up to this time greater profits have been made in lumber than in any other branch of business. Every town has men who have become rich in this trade. And I think we ought to go slow about exempting trees especially while present prices and present profits hold. Now you can figure in various ways about this matter of profit or loss in the growing of timber. You can talk about two per cent, as the gentleman from Franconia has today, and all that, but the more correct method in my judgment, is to take the money that a lot sells for or will sell for when the timber is fit to cut, and compute the worth of it at the time the trees began to grow. If you say the land is worth \$500 an acre to begin with, then of course, you will find that the raising of timber is unprofitable. But if you take the money derived from the yield and figure backward, taking out taxes, taking out everything that should come out, including interest at 5% compounded annually as well as the actual value of the land, you will find that as a rule the growing of trees affords no slight profit. In this regard it should be remembered that the land timber grows on is not by any means the best in the State. This proposition is figured out in the article I spoke about, and which you will also find in the Bulletin of the National Tax Association for January last, and the conclusion is reached that with the financial maturity of pine fixed at forty years and that of spruce at sixty years, or that of both averaged at fifty years, the growing of soft wood timber is distinctly profitable; even if full taxes are paid; and the proposition would hold good if the maturity were placed at sixty or seventy or even eighty years, although in these cases the profit would be less.

The theorists tell us pine and spruce timber ought to stand until it is seventy or eighty years old. With present prices, it is not going to stand so long. The economic maturity of pine is generally considered to be reached in about forty years, and that of spruce twenty years later than that. We are not going to wait for a slow old growth that will reach its ultimate maturity in eighty to one hundred years, but are going to

be content with the more rapid one that ends in half that time and then makes way for a new crop.

I said to begin with that I was not opposed to a proper classification, but I am opposed to the radical reduction in forest taxes which is in substance advocated here. With such a classification as may now be had in Massachusetts and perhaps with one not quite so stringent I should be satisfied. There they have a law which permits woodlands to be classified but the owner must make application, have his land examined and if found suitable registered. Then it is permitted to be classified and taxed at a lower rate than other property, the most of the taxes to be paid when the timber is cut. There is, however, an annual land tax and a commutation tax. There are also various provisions relating to proper management of the property. What is the result? That law has been standing on the statute books for over four years, and not more than a few hundred acres in the whole Commonwealth have come in under it, and by high authority it has been declared a flat failure.

We are not going, I am sure, to permit timber owners to pay at a less rate than the owners of other property and not going to permit timber lands to be taxed at a less rate than other lands, unless there is to be some return therefor. We shall want a limit upon the size of the trees that may be cut, and we shall want a requirement in regard to reforestation and other scientific management somewhat as they have in Massachusetts. If there is going to be a concession, let it be a concession with compensation.

I am free to say that if I could have my way, I would at the proper time provide for the classification of timber lands in this State, but I would also require that trees below a certain diameter — which it is not necessary for me to fix now — should be left to stand and grow and that when trees were cut at all it should be with some sort of intelligence and when an area was stripped it should be reforested. Great harm has come from the cutting of seed trees. The portable sawmill men in the pine regions and other operators in the spruce country have stripped the land bare, until we have in this State seven hundred thousand acres of naked land that once bore magnificent forests. Nothing of value is growing there now because the men who cut the timber off also cut the seed trees and the little trees and left nothing or practically nothing behind them.

I should say wait a little before classification. Let us see what the prices for lumber are going to be. We know, every one of us, how stumpage has increased in value in the last few years. The war is stripping the forests of this country and Canada, of Ger-

many, France and Great Britain, in short of the world, and we are going to see much higher prices for lumber than we have yet seen. A little later it may be wise to classify timber lands in the way I have suggested. But it seems to me this is not the time for a change, certainly not for an unqualified reduction of forest taxes at the expense of other taxes which this amendment is intended to permit and as far as possible to effect.

I do not think it is very patriotic in the gentleman from Franconia to suggest to the members of this committee that the selectmen of the towns of the State, in violation of the law and of their oaths and in disregard of the instructions of the Tax Commission, should do the thing he desires, that is, assess woodland property for less than its full and true value. I understood that to be what he meant when he said it would be perfectly right for local men to go ahead and use their gray matter, and it was not a worthy appeal. So far as the Tax Commission is concerned, I have no defense to make. The members have gone along in their own way, enforcing the law, and they will proceed in that way until the end — I mean until their end or that of the Commission.

*Mr. Brennan of Peterborough.* — I would like to ask, Mr. Chairman, a question. He speaks of the Tax Commission. Do I understand you are unanimous or are you a minority of the Tax Commission?

*Mr. Brown of Manchester.* — We are absolutely unanimous in regard to enforcing the law; there is not a particle of difference among us in that respect.

*Mr. Brennan of Peterborough.* — Do you think the selectmen do make the valuation of timber lands on its true value?

*Mr. Brown of Manchester.* — I think they do as well as they can along that line. I think the selectmen do that very thing. There are exceptions that occasionally come to our notice.

*Mr. Brennan of Peterborough.* — May I ask you this question: if it is not very frequently the case that they adopt, contrary to the provisions of the Constitution, a valuation not in proportion to the other valuations in town? Do not you find that very frequently the case?

*Mr. Brown of Manchester.* — I do not think that is frequently the case. It is doubtless sometimes the case, but I do not think it often happens.

*Mr. Doyle of Nashua.* — Are you gentlemen of the Tax Commission content to have full power, plenty of law to insist upon a fair and full valuation on this very subject matter we are talking about, as it stands today, without this amendment or proposed amendment?

*Mr. Brown of Manchester.*—There is plenty of law to insist upon and to compel the taxation of all taxable property at its full and true value.

*Mr. Doyle of Nashua.*—I think that is all we want and we have the right men, I guess, in office.

*Mr. Brown of Manchester.*—There is another thing this Committee might well remember. It is this: if you desire to exempt woodland property, you can do it today. If you want to make an absolute exemption of growing trees of any sort or kind, it can be done under the Constitution as it stands.

Still another thing comes to my mind in talking about the taxation of forest property. When you begin to tax it, it is nothing but sprout land and is worth three or four dollars an acre in Stratford, as Mr. Hutchins says, perhaps four or five dollars an acre in some other towns, and that is all it is taxed for. For fifteen or twenty years, there is not much growth on the land. the valuations have to be low and the taxes light although the assessments are at full value. There is nothing oppressive until the timber gets to have some size, until it is at least twenty years of age. Then for the next twenty years or until maturity, whenever that may be, the owner can afford to pay upon a full assessment.

I am owner of a little woodland myself, and being a non-resident of the town where it is situated, I do not believe I escape anything in taxes. I am glad to pay full taxes assessed on the full and true value of the property. I hope the selectmen will continue to tax it in that way, and I do not think they need any suggestions in that regard.

*Mr. Tyng of Ashland.*—Mr. President and Gentleman, this is a Constitutional Convention. The subject before us is the powers of the Legislature. We have had a long discussion on this timber question, and all of us want to be enlightened, and some of us have found enlightenment very difficult. There are arguments on both sides, and they make no particular appeal to us who do not know anything at all about the lumber business. It is a question of giving to the Legislature of New Hampshire the power which nearly every Legislature in every Country and every State has, that is, the power of taxing lumber, which, owing to certain things, has prevented the Legislature from acting directly in regard to it. If that can be done, very good and well. The whole general question is, Should further authority be given to the Legislature in the matter of taxation? Now it seems to me we are incompetent to pass upon the questions that have been brought before us today. We have gone out of our way, and it seems to me, whether I follow the arguments

of one side or the arguments of the other side, the inevitable result is that we must go to the Legislature, to whom belongs the power to deal with the question.

*Mr. Ayres of Franconia.* — Is it the pleasure of the Convention that I should have a minute? I don't want to impose upon the Convention except to show why timber in the North Country is cut off in the manner in which it is. The gentleman who is Chairman of the Tax Commission and President of this body, for whom we all have great respect, has said that the timber in the northern part of the State, in the unorganized towns, where the taxes are low, is sometimes cut off more than it is in the organized towns where the taxes are high and the timber isn't cut off. Gentlemen, I must ask you to bear this simple fact in mind; that there was by the census figures of 1900, which are the last we have on this subject, twenty-nine million dollars invested in the pulp and paper business in Northern New Hampshire alone, and in New England it was one hundred and forty million dollars. This enormous industry depends upon the spruce of Northern Maine, New Hampshire and Vermont in large degree. These figures have been very much enlarged at this time, there being probably two hundred million dollars investment dependent upon the timber in Northern New Hampshire, Maine and Vermont. Probably sixty million dollars is invested in the paper and pulp business, including the timber lands in Northern New Hampshire. The owners must keep their mills in operation, and taxes become a secondary consideration. The owners cut where their business dictates.

*Mr. Schoolcraft of Dorchester.* — Are the timber interests driving for a lower or higher rate of taxation?

*Mr. Ayres of Franconia.* — I don't know. It was reported here yesterday by one of the large interests that they do not care whether it is settled one way or the other. I believe this is the attitude of all the people from the northern country. This is a matter that primarily concerns four-fifths of our people in the southern part of the State and only one-fifth in the northern part. In the north, they employ their men and cut where it is the most convenient for their large business, irrespective of whether the taxes are high or low. In the southern part, it is an entirely different situation, and I submit to you, gentlemen, if four times sixty million dollars were invested in pine interests in the southern part of New Hampshire the tax question would be settled. The reason why the tax situation is different in the northern part of the State from that in the southern part is because there are sixty million dollars invested in the pulp and paper interest in the north.

*Mr. Hoyt of Hanover.*—I would like to ask the gentleman a question. Would he consider today a large majority of the farmers and mechanics are in favor of this change? Would he be willing to leave it to the farmers to decide this question?

*Mr. Ayres of Franconia.*—Mr. Hoyt asks me if I think the farmer and mechanic is in favor of the change which I advocate and if I would be willing to leave this question to the farmers to decide. I would say, so far as the mechanic is concerned, I don't think he has thought about it, and I am sure the farmer hasn't thought of it as he should and he hasn't seen the interest to himself as clearly as he should. I am aware that they have not favored this amendment, but again I believe it is because they have not given the subject full attention. I had the pleasure of submitting a brief article to the National Tax Association, reprinted from their Bulletin. Its title is "Forest Taxation and the Farmer," and I have said herè why the farmer is worse off if the timber is taken away as a source of taxation. Copies will be sent to you. The farmer should encourage everything that ought to be taxed; he should encourage the taxation of intangibles; he should encourage the proper taxation of timber, for if the timber is swept off the burden comes back on him. You cannot escape that argument.

On a *viva voce* vote the motion of Mr. Brennan of Peterborough, to amend the motion of Mr. Hutchins of Stratford, did not prevail.

Mr. Ayres of Franconia called for a division.

*Mr. Page of Portsmouth.*—Will the Chair state the question?

*The Chairman.*—For the information of the Committee I will state the question: the question is upon the motion of the gentleman from Peterborough, Mr. Brennan, which is to strike out the word "not" in the motion made by the gentleman from Stratford, Mr. Hutchins, so that the motion, as amended, will read, "that this Committee do now rise and report the resolution with the recommendation that it be agreed to."

*Mr. Emerson of Milford.*—Am I right in understanding that those who believe the Legislature should have power to fix the value of lumber for taxation should vote yes on this motion?

*The Chairman.*—The gentleman is correct in his understanding.

A division being had 122 gentlemen voted in the affirmative and 159 gentlemen voted in the negative and the motion of Mr. Brennan of Peterborough did not prevail.

Question being on the motion of Mr. Hutchins of Stratford, —

On a *viva voce* vote the motion of Mr. Hutchins of Stratford prevailed.

IN CONVENTION.

(The President in the Chair.)

Mr. Snow of Rochester, for the Committee of the Whole to whom was referred Resolution No. 1, Relating to the Taxation of Growing Wood and Timber, having considered the same, report the resolution with the recommendation that it be not agreed to by the Convention.

On a *viva voce* vote the report of the Committee was accepted and the recommendation adopted.

On motion of Mr. Quimby of Concord, the following resolution was adopted:

*Resolved*, That the appointment of Frank L. Aldrich of Manchester as messenger be vacated and M. J. Diamond of Danville be appointed messenger of this Convention.

Mr. Lyford of Concord moved that the Convention do now adjourn.

Mr. Lyford of Concord withdrew his motion.

Mr. Streeter of Concord moved to amend the Rules of the Convention as follows:



Amend Rule 6 by adding after the words "day certain" the words, "fourth, to indefinitely postpone," and strike out the word, "fourth," and the word, "fifth," and insert in place thereof the words "fifth" and "sixth" respectively, so that the same as amended shall read:

6. When any question is under debate no motion shall be received, but, first, to adjourn; second, to lay on the table; third, to postpone to a day certain; fourth, to indefinitely postpone; fifth, to commit; sixth, to amend — which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lay on the table shall be decided without debate.

Also amend Rule 11, by adding thereto the words "and the rule relating to the motion to indefinitely postpone," so that the same shall read as follows:

11. The Convention may resolve itself into a Committee of the Whole at any time on the motion of a member; and in forming a Committee of the Whole, the President shall leave the chair and appoint a chairman to preside in Committee; and the rules of proceeding in Convention shall be observed in Committee of the Whole, except the rule limiting the times of speaking, the rule relating to calls for the yeas and nays, and the rule relating to the motion to indefinitely postpone.

Mr. Streeter withdrew his motion to amend the rules as above.

Mr. Cobleigh of Nashua offered the following resolution:

*Resolved*, That this Convention take up, consider and dispose of amendments proposing changes in the Constitution relating to taxation; that all other amendments proposed be printed and lie upon the table unless the Convention shall

order the same referred to some Committee; and then be it further

*Resolved*, That this Convention take a recess until December 3, 1918, at eleven o'clock in the forenoon, at which time the proposed amendments may be taken up and considered and such others as may be presented under the rules.

Question being on the resolution of Mr. Cobleigh of Nashua, —

*Mr. Lyford of Concord.* — This thrashes out a question, in a measure, which I supposed we settled yesterday afternoon, and in view of the fact that this is not a full Convention at the present time, I suggest that the resolution be laid upon the table.

On motion of Mr. Lyford of Concord, the resolution of Mr. Colbeigh of Nashua was laid on the table.

Mr. Woodbury of Woodstock moved that the rules be so far suspended that Resolution No. 2, Relating to the Powers of the General Court, be taken from the table and made a special order for Friday morning, June 7, at 10.05 o'clock.

Question being on the motion of Mr. Woodbury of Woodstock, —

*Mr. Lyford of Concord.* — Mr. President, let me ask the gentleman a question: it is your desire, is it not, in making that a special order, not to consider it in the Convention but to consider it in the Committee of the Whole?

*Mr. Woodbury of Woodstock.* — Yes.

*President.* — Permit me to suggest that Resolution No. 2 is the next resolution in order for consideration.

Mr. Woodbury of Woodstock withdrew his motion.

Mr. Bates of Exeter moved that when the Convention adjourns today it adjourn to meet at nine o'clock tomorrow morning.

*Mr. Page of Portsmouth.* — I would like to inquire if there is not a rule?

*The President.* — A resolution was adopted yesterday fixing the hour of meeting, but that can be changed.

Mr. Bates of Exeter withdrew his motion.

On motion of Mr. Hoyt of Hanover the Convention adjourned.

### AFTERNOON SESSION.

The Convention met at two o'clock according to adjournment.

On motion of Mr. Emerson of Milford, the Convention adjourned at 4.22 o'clock.

FRIDAY, June 7, 1918.

The Convention met at ten o'clock according to adjournment.

Prayer was offered by the Chaplain, Rev. Archibald Black of Concord.

The reading of the Journal having begun, —

On motion of Mr. Lyford of Concord the rules were so far suspended that the further reading was dispensed with.

Mr. Trickey of Tilton introduced the following resolution:

### RESOLUTION No. 14.

Relating to Bill of Rights.

*Resolved,* That Article 6 of the Bill of Rights of the Constitution be amended by striking out in lines one and two of the

first paragraph the words "rightly grounded on evangelical principles," and in line thirteen of the same paragraph the word "Protestant," so that as amended the said Article 6 shall read as follows:

ART. 6. As morality and piety will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity and of public instruction in morality and religion, therefore, to promote these important purposes, the people of this State have a right to empower, and do hereby fully empower, the Legislature to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies within this State to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion and morality. *Provided*, notwithstanding, that the several towns, parishes, bodies corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination. And every denomination of Christians, demeaning themselves quietly and as good subjects of the State, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law. And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same State as if this Constitution had not been made.

The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

Mr. Duncan of Jaffrey introduced the following resolution:

RESOLUTION No. 15.

Relating to the Referendum of Measures Enacted and Rejected by the General Court, and Future Mode of Amending the Constitution.

*Resolved*, That it is expedient that the Constitution be amended as follows:

After Article 5 of Part Second of the Constitution add a new article, which shall be numbered Article 6, and which shall be as follows:

ART. 6. No act or resolve enacted by the General Court shall take effect earlier than ninety days after the final adjournment of the General Court passing the same, except appropriation bills authorizing expenditures from the treasury of the State for purposes authorized by existing law, and excepting also acts or resolves declared to be emergency measures. An act or resolve declared to be an emergency measure shall include a preamble briefly setting forth the facts constituting the alleged emergency. A separate vote shall be taken on the preamble to such act or resolve by a call of the yeas and nays, and unless the preamble is adopted by a two-thirds vote of the total membership of each branch of the General Court, the act or resolve shall not be an emergency measure.

If within ninety days after the final adjournment of any General Court a referendum petition signed by not less than four thousand qualified voters of the State shall be filed with the Secretary of State against any act or resolve passed by the General Court, except as above stated, such act or resolve shall not become law, but shall be submitted to the voters of the State at the next ensuing State election. If a

majority of the votes then cast thereon is in the affirmative, such act or resolve shall become law in thirty days after such State election; but if the majority is in the negative the act or resolve shall become null and void. If a referendum petition be filed against an emergency measure, such measure shall be law until it is voted upon by the voters, and if it is then rejected by a majority of the voters voting thereon, such measure shall be thereby repealed.

The General Court may, by majority yea and nay vote in each branch, refer any act or resolve to the voters of the State, or any act or resolve affecting any locality to the voters of that locality to be voted upon at any regular or special election, as directed by such act or resolve, and such act or resolve shall become law thirty days after having been approved by a majority of the voters voting thereon; otherwise it shall be null and void.

If an act or resolve proposed in the General Court fails to be enacted by that General Court, then on petition of the number of qualified voters last above stated, and filed with the Secretary of State not less than four months previous to the next State election, said act or resolve in its original form or in such amended form proposed in the General Court as may be petitioned for by such petitioners shall be submitted to the voters at the next ensuing State election, and shall become law in thirty days after said State election if a majority of the votes cast thereon is in the affirmative; otherwise it shall not become law.

The full text of a measure submitted to vote of the people under this article of the Constitution need not be printed on the official ballots; but until otherwise provided by law the Secretary of State shall prepare the ballots in such form as to present the measure or measures concisely and intelligibly.

The veto power of the Governor shall not extend to any measures accepted by vote of the people under this article of the Constitution.

If measures determined by the Supreme Court to be conflicting shall be approved by a majority of the votes severally cast thereon, the measure receiving the highest number of affirmative votes shall become law as to all conflicting provisions.

The Secretary of State shall print and distribute to each voter in the State entitled to vote on the measures to be submitted, not less than two months previous to the time of voting, a pamphlet containing the titles of the measures to be voted upon as they will appear on the official ballot, together with the full text of the measures to be submitted; and the General Court shall enact legislation for carrying this article of the Constitution into effect; but until such legislation shall be enacted this article shall be self-executing, and the Secretary of State and all other officers shall be guided by this article and the general laws.

\* \* \* \* \*

Renumber Article 6, making it Article 7, and likewise renumber all succeeding articles of Part Second of the Constitution.

\* \* \* \* \*

Strike out Articles 97, 98, and 99, of Part Second of the Constitution as it now stands, and insert in place thereof the following:

ART. 97. The General Court may, by majority yea and nay vote of all the members elected to each branch, in Joint Convention, in two consecutive Legislatures, submit to the voters amendments to the Constitution, which shall take effect when approved by a majority of the voters voting thereon, and not otherwise.

ART. 98. Any amendment to this Constitution, proposed by petition of not less than eight thousand qualified voters of the State, and filed with the Secretary of State not less than four months previous to any State election, shall be submitted to the voters of the State at that election in the same manner as amendments proposed by the General Court, which shall take effect when approved by a majority of the voters voting thereon, and not otherwise.

ART. 99. All alterations and amendments to this Constitution shall take effect thirty days after having been approved by a majority of the voters voting thereon, and not otherwise, the Secretary of State having in the meantime canvassed the returns of the voting thereon, and having certified the results thereof, and the Governor making proclamation thereof.

The reading of the resolution having begun, —

On motion of Mr. Duncan of Jaffrey, the rules were so far suspended that the further reading of the resolution was dispensed with.

The resolution was laid on the table, to be printed, and referred to the Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.

Mr. Metcalf of Concord introduced the following resolution:

#### RESOLUTION No. 16.

Relating to the Governor's Council.

*Resolved*, That Articles 59 to 64 inclusive of the Constitution be stricken out and all reference to the Council in any other articles be eliminated.



The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

Mr. Abbe of Dublin introduced the following resolution:

RESOLUTION No. 17.

Relating to Limitation of Taxation.

*Resolved*, That the words "proportional and," and the word "all" twice appearing in the two lines following, be struck out in Part Second, Article 5, and at the end of the article these provisions be added: Every unmarried resident of this State, every widow or widower, who has reached the age of 55 years, and whose last annual income previous to April 1st of the current year when his property is listed for taxation, has not exceeded \$600, shall be exempt from taxation.

Every husband and wife, both of whom have reached the age of 55 years, and whose combined income for the year previous to April 1st of the current year has not exceeded \$800, shall be exempt from taxation.

No resident of this State shall be taxed to an amount to exceed 8% of his last annual income previous to April 1, unless such income has exceeded \$1000; to exceed 10%, unless such income has exceeded \$1500; to exceed 15% unless such income has exceeded \$2000; except when times of peril may demand an unusual sacrifice for the welfare of the State.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Duncan of Jaffrey introduced the following resolution:

## RESOLUTION No. 18.

Relating to the General Court.

*Resolved*, That it is expedient that the Constitution be amended as follows:

Strike out Articles Two, Three, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight and Thirty-nine, and insert in place thereof the following: —

ART. 2. The supreme Legislative power within this State shall be vested in the General Court.

ART. 3. The General Court shall assemble semi-annually, on the first Wednesday of January and July of each year, and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the first Wednesday of January, biennially.

ART. 9. There shall be, in the General Court of this State, a representation of the people, biennially elected, and founded upon principles of equality, and in order that such representation may be as equal as circumstances will admit, the General Court shall, from time to time, divide the State into twenty districts, as nearly equal as may be without dividing wards, towns or unincorporated places; and in making such division they shall govern themselves by the number of voters in said districts, and timely make known to the inhabitants of the State the limits of each district; such districts to be known as Legislative districts.

ART. 10. From each of such Legislative districts there shall be chosen, at large, by the system of proportional voting for representation known as the "Hare Spence System," whereby each voter may cast one vote, transferable as he may indicate, five members of the General Court.

ART. 11. The members of the General Court shall be chosen biennially, in the month of November, for a term of two years.

ART. 12. Every member of the General Court shall have been an inhabitant of this State for five years, at least, preceding his election; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent; and shall cease to represent such district immediately upon his ceasing to be qualified as aforesaid.

ART. 13. All intermediate vacancies in the General Court may be filled up from time to time in the same manner as biennial elections are made.

ART. 14. The General Court shall choose their own speaker, appoint their own officers, and settle their rules of proceeding, and shall be the judge of the returns, elections and qualifications of its members, as pointed out in this Constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the General Court in its presence, by any disorderly or contemptuous behavior, or by threatening or ill-treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order of the General Court; in assaulting any witness or other person ordered to attend by, and during his attendance of, the General Court, or in rescuing any person

arrested by order of the General Court, knowing them to be such.

ART. 15. The Governor, and the Council shall have the same powers in like cases, *provided*, that no imprisonment by either for any offense exceed ten days.

ART. 16. No member of the General Court shall be arrested or held to bail on mesne process during his going to, returning from, or attendance upon, the General Court.

ART. 17. A majority of the members of the General Court shall be a quorum for doing business, but when less than two-thirds of the members elected shall be present, the assent of two-thirds of those present shall be necessary to render their acts and proceedings valid.

ART. 18. The General Court shall have power to adjourn itself from time to time, as it sees fit.

ART. 19. The presiding officer of the General Court shall receive out of the State Treasury as compensation in full for his services, for the term elected, the sum of one thousand dollars; and all other members thereof seasonably attending and not departing without license, the sum of eight hundred dollars.

ART. 20. The journals of the proceedings of the General Court and all public acts shall be printed and published immediately after any adjournment or prorogation, and upon motion made by any one member, the yeas and nays upon any question shall be entered upon the journal and any member of the General Court shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

ART. 21. Every male inhabitant of each town and parish with town privileges, and places unincorporated, in this State, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden, biennially, forever, in the month of November, to vote, in the town or parish wherein he dwells, for a member of the General Court.

ART. 22. And every person qualified as the Constitution provides, shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this State, in the town, plantation or parish where he dwelleth and hath his home.

ART. 23. And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for members of the General Court, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places, for that purpose, shall be holden biennially in the month of November, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this Constitution.

ART. 24. The General Court shall be the grand inquest of the State, and all impeachments made by them shall be heard and tried by the Supreme Court.

ART. 25. The Supreme Court shall have full power and authority to hear, try and determine all impeachments made by the General Court against any officer or officers of the State,

for bribery, corruption, malpractice, or maladministration in office, with full power to issue summons or compulsory process for convening witness before them. And every officer impeached for bribery, corruption, malpractice, or maladministration in office shall be served with an attested copy of the impeachment and order of the Supreme Court thereon, with such citation as the said Supreme Court may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff or such other sworn officer as the Supreme Court may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the Supreme Court may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witness and proofs and of making his defence by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

ART. 26. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of trust, honor or profit under this State; but the party so convicted shall, nevertheless, be liable to indictment, judgment and punishment, according to the laws of the land.

Renumber Article 40, making it Article 27, and likewise renumber all succeeding articles.

The reading of the resolution having begun,—

On motion of Mr. Duncan of Jaffrey, the rules were so far suspended that the further reading of the resolution was dispensed with.

The resolution was laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Hoyt of Hanover moved that the rules be so far suspended that the further reading of resolutions be dispensed with.

On a *viva voce* vote the negative prevailed.

Mr. Childs of Henniker introduced the following resolution:

RESOLUTION No. 19.

Relating to Representation in the House of Representatives.

*Resolved*, Amend Art. 9, Part Second, of the Constitution by striking out all of said article after the words "as equal as circumstances will admit," in the fourth line, and inserting the following: "the Legislature shall, from time to time, divide the State into one hundred districts as nearly equal as may be without dividing towns, wards and unincorporated places, and in making this division they shall govern themselves by the number of legal voters in said districts, and each such district shall be entitled to one representative." Also strike out Article 10 of the said Part Second.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Upton of Bow introduced the following resolution:

## RESOLUTION No. 20.

Relating to Conferring upon the General Court the Power to  
Impose and Levy Reasonable Assessments, Rates and  
Taxes and to Classify the Subject of Taxation.

*Resolved*, That Part two, Article five of the Constitution be amended by striking out the words "proportional and" and the words "upon all the inhabitants of, and residents within, the said State, and upon all estates within the same" so that as amended said Article shall read:

ART. 5. And, further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this State and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defense of the government thereof; and to name and settle biennially, or provide by fixed laws for the naming and settling all civil officers within this State, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy reasonable assessments, rates, and taxes, to be issued and disposed of by warrant under the hand of the Governor of this State for the time being, with the advice and consent of the Council, for the public service, in the necessary defense and support of the government of this



State and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. *Provided*, that the General Court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.

*Resolved, further*, that Part II, Article 6, be amended by striking out the whole of said Article and by inserting in place thereof the following:

ART. 6. The public charges of government, or any part thereof, may be raised by taxation. The subjects of taxation may be divided according to their kind or value into classes differently taxed. Taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

#### ANNOUNCEMENT OF COMMITTEES.

The President announced the following standing committees:

On Bill of Rights and Executive Department.

Streeter of Concord.

Hall of Dover.

Buxton of Boscawen.

Cavanaugh of Manchester.

Pattee of Manchester.

Gaffney of Nashua.

Jacobs of Lancaster.

Bartlett of Hanover.

• Bowker of Whitefield.  
Howard of Portsmouth.  
Towne of Franklin.  
Charron of Claremont.  
Meador of Rochester.  
Norwood of Keene.  
Clement of Warren.  
Frost of Fremont.  
Towle of Northwood.  
Bartlett of Pittsfield.  
Goulding of Conway.  
Tilton of Laconia.

On Legislative Department.

• Lyford of Concord.  
Amey of Lancaster.  
Snow of Rochester.  
Barton of Newport.  
Doyle of Nashua.  
Scammon of Exeter.  
Brennan of Peterborough.  
Spaulding of Manchester.  
Watson of Keene.  
McAllister (Geo. I.) of Manchester.  
Hale of Laconia.  
Evans of Gorham.  
Wright of Sanbornton.  
Brown of Berlin.  
Duffy of Franklin.  
Eastman of Portsmouth.  
Butler of Haverhill.  
Haslet of Hillsborough.  
Hutchins of Stratford.  
Foote of Wakefield.

On Judicial Department.

Plummer of Laconia.  
Howe of Concord.  
Demond of Concord.  
Upton of Bow.  
Hamblett of Nashua.  
Belanger of Manchester.  
Prescott of Milford.  
Colby of Claremont.  
Madden of Keene.  
Donigan of Newbury.  
Aldrich of Northumberland.  
Woodbury of Salem.  
Lewis of Amherst.  
Pettee of Durham.  
Smith of Haverhill.  
Doe of Somersworth.  
Sise of Portsmouth.  
Baker of Hillsborough.  
Hodges of Franklin.  
Chandler of Chatham.

On Future Mode of Amending the Constitution and Other  
Proposed Amendments.

Stone of Andover.  
Page of Portsmouth.  
Wallace of Canaan.  
Walker of Grantham.  
Varney of Rochester.  
Bartlett of Derry.  
Lawrence of Haverhill.  
Jones of Lebanon.  
Craig of Marlow.  
Emerson of Milford.  
Hull of Bedford.

Rogers of Pembroke.  
Morrison of Peterborough.  
Young of Easton.  
Shirley of Conway.  
Ripley of Stewartstown.  
Farrell of Manchester.  
Hodgman of Merrimack.  
Schellenberg of Manchester.  
Spring of Laconia.

**On Time and Mode of Submitting to the People Amendments  
Agreed to by the Convention.**

Pillsbury of Londonderry.  
Wilson of Manchester.  
Wentworth of Plymouth.  
Keyes of Milford.  
Chase (L. J.) of Concord.,  
Callahan of Keene.  
Duncan of Jaffrey.  
Hoyt of Sandwich.  
Beede of Meredith.  
Curtis of Berlin.  
Morse of Littleton.  
Dow of Manchester.  
Angell of Derry.  
Farmer of Hampton Falls.  
Hayden of Hollis.  
Duncan of Hancock.  
Foster of Waterville.  
Parsons of Somersworth.  
Beaman of Cornish.  
Bunton of Manchester.

## On Elections.

Shurtleff of Lancaster.  
Brown of Concord.  
Rollins of Alton.  
Wetherell of Exeter.  
Ayres of Franconia.  
Huntress of Keene.  
Stanley of Lincoln.  
Roy of Manchester.  
Chapman of Manchester.  
Bergquist of Berlin.  
Hallinan of Nashua.  
Towle of Newmarket.  
Deschenes of Manchester.  
Young of Rochester.  
Glancy of Manchester.  
Schenck of Tamworth.  
Rice of Rindge.  
Sayers of Manchester.  
Davis of Croydon.  
Smart of Bennington.

Mr. Duncan of Jaffrey moved that the Convention resolve itself into Committee of the Whole for the purpose of considering Resolution No. 2, Relating to the Powers of the General Court and Resolution No. 5, Relating to Taxation.

Question being on the resolution of Mr. Duncan of Jaffrey,—

*Mr. Kenison of Ossipee.*—Mr. President and Gentlemen of the Convention, it has occurred to me that among the members of this Convention are a goodly number of farmers and others directly or indirectly interested in agricultural and industrial enterprises. It is also apparent that there are many amendments here which somebody wants to have a hearing on. This is a time when these people who are engaged in that kind of work cannot be too busy. Also, another and to my mind a

more important condition exists, for as every man doing business today knows, the conditions are constantly changing, so that any action upon so permanent an institution as our Constitution cannot be intelligently taken at this time.

Mr. Kenison of Ossipee offered the following resolution:

WHEREAS, The United States of America is engaged in the great international conflict now on, in which the citizens of New Hampshire are doing their full share, and because of the fact of this great war, conditions of all kinds are constantly changing so that the standard of yesterday is not the standard of today:

*Resolved*, That when this Convention adjourns at the morning session it adjourn to the call of a committee consisting of the President and one member from each county, such call to issue for the reconvening of this Convention within one year after the conclusion of the present war and the establishment of peace, such call to be seasonable for the submission of such proposed amendments, as may be agreed upon, at the succeeding biennial election.

Question being on the resolution of Mr. Kenison of Ossipee,—

*Mr. Brennan of Peterborough.*—I am in favor of this resolution. I am, however, not in sympathy with the idea that we ought to unduly hurry home until we give proper attention to matters for the consideration of which we were sent here; there was none of us obliged to come here, and there were probably others in our home place who would have been pleased to have taken up the duties which we pledged ourselves to perform. We were sent here to consider the matter of amending our Constitution, but I am becoming apprehensive that this Convention and the people are not in a frame of mind and are not prepared during the continuance of this terrible war—when our not-to-be-interfered-with business is fighting the enemy—to give the necessary attention to the important questions involved in these proposed resolutions. While many of the delegates wish to pro-

ceed and complete the work of the Convention, a perhaps larger number are intent on adjourning upon organization until after the war. With this uncertainty and proceeding thus far without the regular special committees, we are making little or no progress. It is a very unsatisfactory mode of procedure in the first instance, to consider these resolutions in a Committee of the Whole; it is not the most effective preliminary step for a Constitutional Convention to take. A Committee of the Whole will, without doubt, serve a useful purpose at later stages of the Convention's progress, but not now. The consideration of these resolutions, after hearings by our five special standing committees, followed by their report, is certainly helpful if not indeed an absolutely necessary preliminary step in the most intelligent and expeditious progress of the business of this Convention, and, more important still, providing practically the only place where the people, outside of these delegates, have the opportunity of appearing to express their views and to advocate or object to proposed resolutions in which they may be interested.

We have a number of resolutions here embodying similar questions: taxation of standing timber, intangibles, incomes, etc.; there are several resolutions which might be substituted, consolidated or eliminated, a work in its preliminary handling, for the special standing committees, and, until we have these committees working, our progress cannot be entirely satisfactory.

If we take these resolutions before special committees, those committees will have hearings and work upon them, and finally recommend to this Convention something to act upon. Such committees will do our preliminary work, taking steps for which a Committee of the Whole is not so well calculated. If we continue on as we are and as a preliminary step, to consider each resolution in the Committee of the Whole, our progress will be slow, halting and unsatisfactory; indeed a lot of us are really in the air now on this particular question before us. We need committee hearings, and recommendations, if we are to proceed intelligently. To remain here, if the Convention so votes is our duty; we have no right to say we must hurriedly go home and attend to our business; our business is here. I fear, however, that a majority of the delegates are intent upon adjournment and are not prepared to do business at this time, and not until we reconvene after the war. I myself would be pleased, however, before adjournment, to have a resolution adopted to give larger powers to the Legislature in the matter of taxation, but I fear this Convention is not in a mood to do anything of that kind now, and nothing other than to organize and adjourn; hence I am in favor of this motion, because I am in favor of having all the

resolutions presented and printed for our careful consideration to the end that when we come together again, we may have considered these matters and have hearings and reports by the special committees having the resolutions in charge; we will then be in much better condition than we are at present to deal with these important questions, and for these reasons I am in favor of this resolution.

*Mr. Doyle of Nashua.*—Mr. President, I would like to have you (Mr. Brennan) President of the United States; you are big enough, we all know, to be that. I came here, gentlemen, and voted to adjourn, because I had in mind that you gentlemen would have somebody in our midst who would attempt to adjourn after they got through one of their pet schemes. I am willing to consider any job, I am not a fifty-fifty fellow any way or any place. Now we voted to take up this legislation and do our duty, and gentlemen, I am here to stay with you and I hope I won't have to stay long enough to give our friend from Amherst, the ministerial gentleman, a chance to go skating on ice down below, where he suggested, because I don't want to visit that locality with him, but I am willing to stay here all summer, if necessary, to do our duty, and if we haven't got appropriation enough, I will take a chance to try to get enough to pay my own way until this work is over. I noticed we all started out. Mr. President, by speaking of the war and the boys across the water. Some of us are interested and vitally interested, not because they are our Country's but some of us are interested because our flesh and blood is across the water. I see the parents before me, some of them. Now, then, if we want to be men and do our duty at home, let's see today right here and now that we have some legislation whereby we might get a revenue to take care of these boys across, and with God's help bring them back alive, if it is God's will that they be spared. Why, my distinguished friend from Peterborough says we are not in a position to legislate. Why, you will never be in a better position; you have fine committees—I am on one of these committees, Brennan, and you are with me—and I say we are capable of looking over those resolutions and making an intelligent report, and if you haven't got time today, let's take time tomorrow and you can work on Sunday, if you want to, if you go to church in the morning.

You know, probably, some of you, that I am against these resolutions. I say we ought to fight them down like men, and let's take hold of this business and do our duty like men. I heard some rumbling and grumbling, and as one fellow nearby who wants to adjourn says, "Why in hell don't somebody get up." Why, these motions, there was somebody picked out to put this



resolution through, but he failed evidently to get up. Now I say let's not fail in our duty here. We were sent here to do a duty; so let's be men and stick to it; and if we have a lot of these fellows with so much money they don't know what to do with it and we can't reach them unless we prepare our laws to make them more honest, and prepare them as our friend Mr. Lee from Concord would like to have them, let's get at these intangibles and make them show their hands and share with the farmer and the business man and every other man who has property to be taxed.

*Mr. Hutchins of Stratford.*—Mr. President, personally, I admire Jerry Doyle, but I don't think much of his consistency. Yesterday he was for adjournment, but today he isn't, and I don't know where he will be tomorrow. I will agree with one of the gentlemen who has spoken that when this Constitutional Convention was inspired, that we were not at war with Germany. We are today; and when he says our first duty is to the State of New Hampshire, I deny it. I say our first duty is with the boys over there and the government at Washington and everything else should take a back seat. If I had let a contractor come to do the job, and it caught fire, would I insist that he shingle it and not put the fire out?

Not so, Mr. President. Put the fire out and if you have any house left, repair it; if you haven't, build a new one and you may want to use asbestos shingles instead of cedar. I say our first duty is to adjourn; go to our homes, work to win the war, and defeat the Germans.

*Mr. Tobey of Temple.*—Mr. President and members of the Convention, I shall be very brief in my remarks. We have come here as a body of New Hampshire citizens elected to this Convention to consider these matters that may come before us. There is room for honest differences of opinion upon this resolution for adjournment, but I want to bring one matter to your attention. I happen to be in the banking business and deal in stocks and bonds. I have some customers who have a lot of money and some who haven't so much. I am perhaps hurting my business in advocating this thing, but that does not make any difference. But I say to you if this Convention adjourns, war or no war, before it makes some provision on this subject of the taxation of intangibles, you are making a mistake, for if you pass legislation taxing these intangibles, it will bring you a new source of revenue such as you never had before, and you need it in these days, and you will then have acted wisely. Throughout this State there are men of means and capital who are not paying any taxes on hundreds of thousands of dollars, and yet the Tax

Commission urge the selectmen of the towns to tax farms at their full value. When I had the honor of being on the Board of Assessors, I received a letter from the Assessors in Boston, saying that Mr. and Mrs. So-and-So of your town claim a residence there and that they cannot be taxed here this year, and that the last year in Boston, they were taxed for \$60,000. Now upon receipt of that, I called on them, and said: "Are you going to take up a residence here?" They said that they were. Then I said: "Then it becomes my duty to ask you to fill out an inventory." They replied that they would never sign an inventory blank. I said: "Then you cannot come to New Hampshire as a citizen under the statute." I said to them, "What does your property consist of, bonds or stocks or what?" He said: "It is all stocks." I said: "You don't need to worry, then, you don't have to pay on those: all your taxes will be on this real estate which is valued at \$2,000." He asked, "We don't pay on stocks?" I said, "No, but let me show the injustice of our present system. Next door is a widow with five children whose husband died of tuberculosis last spring; they are in debt and they are burdened with taxes on that place, which the assessors are told to tax at full value, and they can't raise the money. Where is the justice?" They said, "There is no justice," and the wife turned around and drew a check for \$100, and said: "Give this to the town; I can't stand to be a party to such injustice." These conditions are everywhere, and many men with capital invested in intangibles in New Hampshire don't pay a dollar. I assure you if this resolution to adjourn without action passes today, it puts off the time when you are going to get an income from these things until after the war closes, which may be two, three, four, five or ten years. I want the State of New Hampshire and our fellowmen to get the benefit of these taxes from now on. I want to see this determined. I want to go home, also. I prefer to go home rather than to stay here. But here is the point. What is our duty in this thing? We are here today. We can sit through today, gentlemen, and consider this subject of the taxation of intangibles and general classification, and get through today, and do away with it, and get through tonight. For six months, some interests have planned to have this Convention adjourn without action. I want to say to you further, there have been some in this Convention absolutely pledged to get this thing out of the way before it is born.

Now, gentlemen, let me tell you two remarks made here this morning in conversation, when a gentleman supposed to make an amendment didn't get up, as had been expected, and one of the remarks was this: "Why in hell doesn't he jump into it?" And

the other remark was: "Why don't the damn fool get up?" I put it to you as clean men and citizens of New Hampshire, let's not back up men who use language like that to get this thing out of the way by a well-laid plan; let's put a tax on intangibles and have a revenue we never had before.

*Mr. Snow of Rochester.*—Gentlemen of the Convention, I am in favor of this motion, and I can tell you in a very few words why. First, let me say that I am not here to burn any pyrotechnics nor to get your applause. We can be easily carried off our feet by the references that have been made to the boys across the water which have nothing to do with the merits of the question under discussion. You don't hear the parents of these boys talking about them. They are for the most part silent members of this Convention. Now, gentlemen, these questions that are before this Convention are important questions. They deserve our careful consideration. They are all important. Some of them are more important than others. The disposition of this Convention, being hurried for time, has been to take them up in the order in which they appeared to us to be the most important. These questions that were presented here in the early resolutions are the questions which have been agitating the people of our State and which have been widely discussed in the papers; they are the questions to which public attention has been drawn as the most important which we are to consider; but, gentlemen, are we considering them fairly? Do you believe we gave the subject of timber taxation yesterday all the consideration that it ought to have? It was not referred to a special committee. It was discussed in the Committee of the Whole but a part of an afternoon session. Did we do right or should it have had our more extended thought and discussion? If this resolution is not adopted, and I read the sentiment here aright, we are about to go into the Committee of the Whole to take up the next most important, perhaps a more important question than that considered yesterday. What is the inevitable result, with the atmosphere prevailing in this Convention? It will be killed without fair consideration. Why? It isn't because we are not fair-minded men, gentlemen; we are fair-minded men; we want to do our duty; we want to stay on our job if it is right; but, gentlemen, we are prejudicing these measures so that when we come back here, if we do, they never will stand in a fair light with us. I say to you, gentlemen, it is not because we are not fair, but unconsciously, we are not in a state of mind to give on the first day of the Convention, but we were not then in the mood to go home. Gentlemen, if we stay here, we will waste our

time and we will waste it in the face of the national propaganda to speed the various war activities, to conserve time, to conserve energy, for the great business we have on hand. We are in the business of war, gentlemen, and we might as well face it, and these other things can wait. I beseech you, gentlemen, to apply your good common sense and consider whether we should not take this adjournment. Let me repeat to you I am heartily in favor of this resolution.

*Mr. Stone of Andover.*—The gentleman from Temple has brought before us a pathetic case: the widow, with her farm, who has to pay a heavy tax, and the stockholder with his stocks; and he beseeches this Convention to stay here and do something, so you can relieve the widow and the stockholder with his stocks. Now, gentlemen, it is within the power of the Legislature at any minute to place a tax on stocks; it is entirely unnecessary to hold a Constitutional Convention in order to tax stocks. The Legislature has the power under the Constitution to tax them; but it hasn't done so. He said he was in the banking business. I apprehend that perhaps in regard to intangibles he might mean to have the stocks and intangibles pay a small tax. Yesterday we defeated here an amendment in relation to woodlands which affected many people who owned small lots, and I don't know any reason why men who own intangibles should be asked to pay a small tax, but we won't talk about that. His argument is practically that it is necessary in order to relieve the person who has bonds and compel the person who has stocks to pay a tax upon them, and I say to you, gentlemen, that the Legislature has power to tax stocks, but they haven't done it. That argument all falls through. I do feel, as the last gentleman has said, that we cannot properly consider these questions. I doubt very much if I should call upon any man in this Convention and ask him to rise if he thought a majority of his people wanted these things considered at the present time, I doubt if there is a man in this Convention who would want to rise and go home to his constituents and say a majority of them were in favor.

*Mr. Lee of Concord.*—I would like to ask the gentleman a question. You confine your subject altogether to stocks. There are notes and some stocks that are taxable anyway, but I would like to know how is the assessor or selectman to know and get hold of a person having bonds and money on hand?

*Mr. Stone of Andover.*—The argument of the gentleman is this: because a man who has money, who has stocks and bonds, will do everything to evade taxation and commit perjury, he wants to reach him so he won't escape taxation only in part.

*Mr. Lee of Concord.*—Mr. Speaker, I cannot agree with the gentleman. What I now say I said in a few words a couple of days ago, and I will repeat it. I think the people should have an opportunity to determine this important question. It makes no difference to me one way or the other, because I have no bonds, and I have no stock; but, gentlemen, two or three or four years ago this coming fall, the Tax Commissioners went to the expense of getting a man from Harvard College to come here and discuss the question of taxation in regard to collaterals. If I remember right he was a professor from that college, and he had made a study of the taxation of intangibles. We spent two or three evenings here from eight o'clock until twelve or one o'clock in this hall. Nearly every one of the Representatives were here, and many other people—it was open to the public. This same question was discussed, and all he was brought here for was to see if he could tell us of some just way to get these people who had their money invested in bonds and collaterals to pay an honest tax. Now, gentlemen, you are able to say whether you want to do it or not; and I ask any of you to ask any of your selectmen or any of your assessors in your city, and they will tell you that if you want to go to work and make a just tax for these people who are living now on their incomes from bonds and money on hand, that these people would be willing to pay their just dues in taxes, but as long as you have the tax the way it is—for instance, say that your tax is two per cent in your city or town—a person who has a three and a half per cent bond, paying two per cent of that for taxes, would have to have \$100,000 to get an income of \$1200. Gentlemen, just stop to think it of it, is that right? I am a great believer in people not being persecuted. My father and mother came from a country where they were persecuted by taxation, and it will never be said that I went to work against them, but I want to do by others as I would have others do by me. I believe in equal taxation; it is just and right, no matter whether a person has his money invested in collaterals, bonds or real estate or stock in trade or stocks. I tell you, gentlemen, look at this thing in the right light; study it and see if it is right. These men, the Commissioners, if I remember right, went to work and told the Committee on Ways and Means that they figured it out that one-fourth per cent would be a just tax on collaterals. If I am not speaking the truth, I want the President of this Convention to tell me; he was one of the Commission. We went to work together, and after we got through we admitted that we thought about three-fourths per cent was a just tax for these people to pay. Now, gentlemen, perhaps some of you understand what I

mean. For instance, say our tax rate is two per cent; that would be \$20 on a thousand to pay on real estate, stock in trade or anything of that kind; but if you pay three-fourths of one per cent on collaterals, you pay only \$7.50; that gives them the other three per cent or the two and one-half per cent to live on. Look at it in the right light, gentlemen. You can't tell me the people are not honest in this Country and in this State. I tell you ninety-nine per cent are honest; but you are driving them to be dishonest; they are going to look after their own bread and butter first; and you cannot blame them. That is the way you want to look at this tax proposition. If you go to work and make your tax rate a flat rate, the same as you make a poll tax a flat rate, and call your tax rate on intangibles three-fourths per cent, I venture to say your town and city will receive money from these people that you are losing now. Look at Massachusetts, and look at the other States where it has been worked out. They tell us they get more than twenty times enough to pay for what they have done. Now, I tell you, gentlemen, you want to look at this in the right light. Let us not be slackers. I do not want to use that word slacker because I don't believe any man in this Convention is a slacker; I believe every man came here to do his just duty, and if you want to go home today or tomorrow, gentlemen, I am with you. It makes no difference to me. It is for you; it is for you, laboring men; it for you, farmers; it is for you, business men, who have to pay taxes on your farms, and stock in trade, and things of that kind. The poll-tax payer might say it makes no difference to him, but it does make a difference to him. The farmer might say the same thing. Why, don't you see, the more taxes I have to pay on my real estate or my stock in trade makes you pay the difference, and perhaps instead of making you pay your just due, I am taking ten fold out of you, just as the gentleman said the other day about the lumber. You heard the gentleman suggest he didn't care what the taxes were. Why? Because he represented one of the largest concerns in New Hampshire. Why doesn't he care? Because you will go and buy it, if you want to build your little home or farm or anything of the kind; he makes a profit all right, and you are the one paying the bills. He doesn't lose. Gentlemen, it makes no difference to me whether you pass this resolution or not, or let it go by, but I want you to remember that it would be one of the greatest things ever done for the tax payers in general, in this State.

*Mr. Angell of Derry.*—Mr. President and Gentlemen, I want to do my duty as a delegate to this Convention, just the same as I trust and am confident each one of you wishes to do. Now it

seems to me that the question before us is on whether we shall stay here or whether we shall go. It is not the question at this present time, in my opinion, to adopt the resolutions that have been put in or that may be put in, but whether or not we should stay or go. Now I am with you on the point of duty, and I would like to have you tell me why we can serve our State and our Country better if we go home. I would like to have you tell me how we can do these same things better if we stay. This Constitution, if I understand it, was born in war time, when the Revolutionary War was engaging our utmost energies, and what is the matter with us today—a nation many times larger and stronger than the colonies? We ought to stay here and do our duty, if it is necessary; but why can we save the Country better by going than by staying; how can we help win this war better by going than by staying? What are you going to do after you get home?

*Mr. Cobleigh of Nashua.*—Just one suggestion. I am sure that the delegates who are present here honestly want to do their duty. There isn't any question about that, or that you reflect in a large measure the sentiment of your particular community, and, I suggest to you this: those of you who are urging us to remain here and consider these various propositions in which you are interested and you would like to see incorporated into the organic law, or changes made in it, that there is no way under Heaven that you can so effectually defeat them as to force this Convention to stay here. For if you do, and submit amendments to the people, they will be turned down just as sure as there is a God in Heaven, by the average person at the next election, with the present temper of the people of New Hampshire.

*Mr. Woodbury of Woodstock.*—There are no slackers in this Convention, and I hope there are no fools in it. I rise to explain my position. I am not going to make any extended remarks, but I simply want it understood just how I stand. I came to this Convention with the supposition that the people in this State, when they voted for this Convention, were looking for some sort of relief along the line of revising our Constitution in the matter of taxation. When the Convention was voted upon, war had not been declared between this Country and Germany. Now conditions have changed. We don't know just what conditions may develop, but we are all satisfied that there are some changes that should be made when the proper time comes, when we can deliberate upon them fairly and squarely. I came to the Convention believing that we should do something, whereby our Legislature would be given more power in the matter of taxation. I have not got cold feet. I am not linked up with any organization or any ring, in this matter. The position I am taking today



is that I want to save something for this Convention to consider later. I have been a member of a Constitutional Convention before. I have been a member of two Legislatures; and when important measures are taken up and killed, it is a pretty hard matter to reconsider them and give them a fair hearing. Now we have some important matters pending in this Convention, and we are not in a mood to consider them fairly and justly, at this time. My idea in favoring a motion to adjourn, to which I am going to offer an amendment to the motion already made, is to save these important questions and not let our Convention die out so that we cannot come back here at some future time, either before or after the close of this war, and consider them fairly, when we are in a different mood than we are at the present time. Now, the men in this Convention all want to be fair. There isn't a member of it but wants to be fair, and it is my honest opinion that we should not attempt to go before the people with an amendment that just simply gets through this Convention, with a strong minority against it. We must have some amendments to submit to the people that passed by a large majority, and it would be better if the Convention was unanimous in the adoption of these amendments, than to have some amendments that go through with a strong minority, that will go home and work against them. We want to work more understandingly and not with this heavy load and strain upon us that we have at the present time. I am perfectly willing to stay here until this thing is settled, if the Convention so votes, but with the temper of the Convention as it is, I don't think we are in a position to do anything. I hope if this resolution to adjourn is adopted that no further consideration of these important measures will be taken until after the Convention reconvenes.

Mr. Woodbury of Woodstock offered the following amendment to the resolution of Mr. Kenison of Ossipee,—

Insert in the second paragraph after the word "Convention," the words "whenever in the opinion of the majority of the committee the public good requires it, and in any event," so that the resolution as amended shall read as follows:

WHEREAS, The United States of America is engaged in the great international conflict now on, in which the citizens of New Hampshire are doing their full share, and because of the



fact of this great war, conditions of all kinds are constantly changing so that the standard of yesterday is not the standard of today:

*Resolved*, That when this Convention adjourns at the morning session it adjourns to the call of a committee, consisting of the President and one member from each county, such call to issue for the reconvening of this Convention, whenever in the opinion of the majority of the Committee the public good requires it, and in any event, within one year after the conclusion of the present war and the establishment of peace, such call to be seasonable for the submission of such proposed amendments, as may be agreed upon, at the succeeding biennial election.

Question being on the amendment offered by Mr. Woodbury of Woodstock to the resolution of Mr. Kenison of Ossipee,—

Mr. Kenison of Ossipee accepted the amendment offered by Mr. Woodbury of Woodstock.

Question being on the resolution of Mr. Kenison of Ossipee as amended,—

*Mr. Howe of Concord.*—Mr. President, I will ask you to listen to me very briefly. I hope I may be able to reach an agreement with the great majority of the gentlemen here that as to the large number of matters presented—there are nineteen, I believe,—that this Convention at this time is not so situated as to give to all of these propositions the time required. I think you will all agree with me in that. Now if you agree with me as to that, I wish to call your attention to the situation as it impresses me here today. There were certain timber people who said that we should remain in session and deal with their project. Their project was to exempt, not absolutely exempt, but to decrease the taxation of timber; they wanted us to stay here and deal with that proposition and that proposition only, and then go home. That was taken care of yesterday. Now there remains one other reason, one further subject has been

urged upon us this morning, that we should stay here and deal with one further proposition. The bond salesman wants us to stay here and make a market for his bonds. Should we stay here for that purpose? This matter of the taxation of intangibles, whatever its merits are, we must agree, I think, it cannot be dealt with at this time. Shall we stay here for that purpose? I say no. I think we had best adjourn; that we should vote in favor of the resolution which has been offered, and then come back when the time is ripe, and take up every one of the nineteen or more propositions; refer them to committees in the regular way, thrash them out, treat them all fairly, and then adjourn finally. Take a recess now until that time. That, it seems to me, is the part of wisdom. The vote the other day, 167 to 183, or thereabouts, would probably have been the other way; we probably would have adjourned then but for our absentees. I hope we will take the right course, the fair course, and adjourn now as the resolution calls for, and come back at the proper time and deal with every man's proposition that is presented here.

*McNulty of Manchester.*—I was going to suggest, gentlemen, that the previous speaker, the gentleman who got up here to make an amendment which would adjourn this Convention, that he request the National Committee, both Democratic and Republican, to postpone the election of our next Congress until after the war. The gentlemen who are anxious to adjourn this Convention simply use the war as a subterfuge. You have given until July 11th to submit resolutions, which shows that we are here for business. Those who want an adjournment have used all kinds of dilatory methods and with all have failed. The majority of the members know, and the people of New Hampshire know, that our Constitution needs amending to be in harmony with the true spirit of democracy.

*Mr. Schellenberg of Manchester.*—Mr. President and Gentlemen, if this question is to be voted upon it seems the majority of delegates are here; some have traveled by automobile, some have come by train, and some have walked, and if we are going home we want to go home.

Mr. Schellenberg of Manchester demanded the yeas and nays.

*Mr. Emerson of Milford.*—We all like a horse trot in the fall, and we get nervous when they keep starting the horses a dozen times before they make the race. But they keep starting them

till they start right. Another illustration I want to bring before you from my family life: God blessed me with as good a wife as He gave me a mother; but there comes times in my life when I get nervous and I have to pack my grip and leave my wife for two or three days until I get back to normal again. It is an experience we have all had. We started out in this Convention by calling each other names, slackers, and such things, and we all got nervous and irritable. We have made a false start. It is apparent we have got to have a change. Let's pack our grips and go home and get normal again. We can consider these questions for the present apart, and then come back here for their final discussion and determination at some later date.

Mr. Emerson of Milford moved the previous question.

Question being shall the main question now be put,—

On a *viva voce* vote the previous question was ordered.

Mr. Lewis of Amherst raised the point of order that no provision was made in the rules of the Convention for the ordering of the previous question.

The President ruled the point not well taken.

Question being on the resolution of Mr. Kenison of Osagee,—

*Mr. Lee of Concord.*—I rise for a parliamentary inquiry. I believe in division, but in justice to the man who called for the yeas and nays I think you should ask him to withdraw.

*The President.*—Mr. Schellenberg's call was not supported by the requisite number.

*Mr. Brennan of Peterborough.*—I rise for a parliamentary inquiry. There is no provision in this motion as to how the committee will be appointed. I suppose in the absence of that it would be appointed by the Chair.

*The President.*—In the absence of any other provisions the committee will be appointed by the Chair.

Mr. Lyford of Concord demanded the yeas and nays.

The demand was seconded by ten delegates in the Convention.

*Mr. Quimby of Concord*.—I rise for information. Was the amendment offered by the gentleman from Woodstock accepted or rejected by the mover?

*The President*.—It was accepted by the mover. The question is on the resolution of Mr. Kenison.

*Mr. Emerson of Milford*.—There is an inquiry in this section as to whether this means a final adjournment now or whether the Convention sits again if this resolution is adopted?

*The President*.—It is not a final adjournment. There are some matters in connection with the payroll and other things that have to come up before final adjournment.

*Mr. Emerson of Milford*.—And this Convention will sit again if this motion is adopted?

*The President*.—This Convention will necessarily sit again if this resolution is adopted; if this resolution is adopted it does not mean an immediate adjournment at this time but takes effect when this session does finally adjourn.

#### YEAS, 230.

Aldrich of Dalton, Amey, Annis, Ayres, Bailey of Sunapee, Baker of Hudson, Ball, Barnard, Bartlett of Hanover, Bartlett of Pittsfield, Barton, Bates of Exeter, Beaudoin, Beede, Belanger of Concord, Bell, Bennett, Benway, Bergquist, Blanchard, Booth, Bowker, Brennan, Brown of Berlin, Brown of Concord, Brown of Hampton, Brown of Manchester, Bullock, Buntten of Dunbarton, Burbank, Butler, Buxton, Byrne, Callahan, Carpenter, Cavanaugh, Chandler, Chase of Ward 5, Concord; Clark of Acworth, Clarke of Walpole, Cobleigh, Cogan, Cole of Stark, Cox, Coy, Curtis of Berlin, Curtis of Northumberland, Dame, Damon, Davis of Croydon, Davis of Hopkinton, Davis of Middleton, Dean, Dearborn of Belmont, Dearborn of Effingham, Demond, Deschenes, Dickinson, Dort, Dow, Duffy, Eastman of Allenstown, Eastman of Weare, Eaton, Edgerly of Tuftonboro, Ela, Elliot, Emerson of Hampstead, Emerson of Manchester, Emerson of Milford, English, Evans of Jefferson, Farrell, Faulkner, Fellows, Fessenden, Foisie, Foote, Foss,

Foster, French of Moultonborough, Gaffney, Gage, Gall, Garland, George, Gibson, Gilchrist, Gordon of New Ipswich, Grant, Gray, Greer, Hale, Hallinan, Hancock, Hayford, Haynes, Head, Hodgman, Holt, Hopkins, Horne, Howard, Howe, Hoyt of Newington, Hoyt of Sandwich, Hubbard, Hull, Hunkins, Huntress, Hutchins of Berlin, Hutchins of Stratford, Johnson of Pittsburg, Jones of New Durham, Kelley, Keniston of Ellsworth, Kenison of Ossipee, Kennett, Keyes, Kingsbury, Kittredge, Knox, Lang, Lawrence, Leach, Lee, Lewis, Locke, Lombard, Lyford, Marston, Mason of Keene, Mason of Marlborough, McElroy, McHugh, Meader of Rochester, Meader of Wolfeboro, Metcalf, Moffett, Morrison, Morse of Hebron, Morse of Littleton, Newman, Nichols, Norwood, Noyes, Ordway of Greenland, Ordway of New Hampton, Page of Gilmanton, Parker of Benton, Parker of Claremont, Parker of Goffstown, Pattee, Patterson, Perkins of Laconia, Pettee, Philbrook of Laconia, Pike, Pillsbury of Londonderry, Pillsbury of Sutton, Plummer of Laconia, Plummer of Milton, Price, Prince, Pulsifer, Randall, Reed, Rice, Ripley, Rogers of Newport, Rollins, Sargent of Concord, Sargent of Pittsfield, Sawyer, Schellenberg, Scott, Shaw of Chichester, Shaw of Nashua, Shaw of Salisbury, Shirley, Sleeper, Smith of Brentwood, Smith of Center Harbor, Smith of Dover, Smith of Haverhill, Snow, Spaulding of Manchester, Stevens, Stoddard, Stone, Streeter, Stuart, Sturtevant, Sweeny, Tarbell, Templeton, Towle of Newmarket, Towle of Northwood, Towne, Trickey, True, Varney, Veazie, Waldron, Walker, Waterman, Wellman of Keene, Wendall, Wentworth of Dover, Wescott, Wheeler of Manchester, Whitcomb, Whitman, Whitney of Barnstead, Whitney of Goshen, Wight, Willey, Wilson of Manchester, Wilson of Salem, Winn, Woodbury of Woodstock, Woodward, Worthen, Young of Easton, Young of Laconia, Hoyt of Hanover ( $\frac{1}{2}$  vote), Updyke ( $\frac{1}{2}$  vote.)

NAYS, 79½.

Abbe, Angell, Bailly of Manchester, Beaudette, Belanger of Manchester, Bresnahan, Brown of Deerfield, Bunton of Manchester, Chapman, Chase of Manchester, Childs, Clement, Coakley, Connor of Bristol, Connor of Manchester, Davis of Manchester, Devost, Dillingham, Doyle, Duncan of Jaffrey, Eagan, Edgar, Flanders, French of Concord, Frost, Frye, Gagnon, Gingras, Goodwin, Gorham, Hall of Langdon, Hammond, Hayden, Hodges, Hughes, Hurd of Dover, Hurd of Sharon, Laberge, Lapointe, Ledoux, Livingston, Magan, Mahoney, McAllister, G. I.; McCarthy of Ward 4, Manchester; McCarthy of Ward 13, Manchester; McDaniel of Barrington, McKeon, McLaughlin, McNulty, Morrill, Moses, Mower, Newell, Parsons, Pearson, Peirce, Pillsbury of Manchester, Pound, Quimby, Rand, Rines, J. J. Ryan, P. J. Ryan, Sayers, Schoolcraft, Shaw of North Hampton, Smart of Bennington, Smart of Dover, Smith of Deering, Thompson, Tobey, Tuck, Weber, Wells, Welpley, Wheeler of Canterbury, Wright, Young of Rochester, Tyng (½ vote).

## PAIRS.

Cole of Rochester, voting yes, was paired with Goulding of Conway, voting no.

McDaniel of Nottingham, voting yes, was paired with Welch of Dover, voting no.

Two hundred and thirty votes having been recorded in the affirmative and seventy-nine and one-half votes in the negative, the resolution was adopted.

Question being on the motion offered by Mr. Duncan of Jaffrey,—

On a *viva voce* vote the negative prevailed.

Mr. French of Moultonborough offered the following resolution:

*Resolved*, That the official stenographers be directed to make a copy of the debates *verbatim*, and that they be paid in full for their services in copying said debates the usual compensation of twenty-five cents for each hundred words, and that their account be audited by the Governor, who shall draw his warrant for the same.

*Resolved*, That the Secretary of the Convention be instructed to supervise the printing of the Journal of the Convention, eliminating such extraneous remarks as do not apply directly to the subject under discussion, and all unnecessary tabular matter, and to prepare and cause to be printed therewith a proper and extended index, under suitable headings, for ready reference to names, towns, and subjects; and that his bill for compensation therefor, when audited and approved by the Governor and Council, be allowed and paid.

*Resolved*, That the Secretary be instructed to procure 2,800 printed copies of the Journal of the Proceedings of the Convention up to the time of adjournment on June 7, 1918, 600 copies of which shall be bound in pamphlet form and distributed by the Secretary to the members of the Convention as soon as possible.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Lyford of Concord the Convention took a recess until 1.30 o'clock this afternoon.

#### AFTER RECESS.

The Convention was called to order at 1.30 o'clock.

Mr. French of Moultonborough, for the Committee on Finance, presented the following report and recommended its adoption.

We recommend that the Secretary be authorized to make up the pay-roll of the members of this Convention as follows:

Three days' services at \$3 per day for 437 members .....	\$3,933.00
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That the officers and employes be allowed the respective sums placed opposite their names:

A. Chester Clark, Secretary.....	59.00
Bernard W. Carey, Assistant Secretary.....	59.00
Walter J. A. Ward, Sergeant-at-Arms.....	16.00
Rev. Archibald Black, Chaplain.....	10.00
Guy S. Neal, Doorkeeper .....	10.50
George Lawrence, Doorkeeper.....	10.50
Albert P. Davis, Doorkeeper .....	10.50
Edward K. Webster, Doorkeeper.....	10.50
George Goodhue, Warden of Coat Room.....	10.50
John C. O'Hare, Assistant Warden of the Coat Room .....	10.50
M. J. Diamond, Messenger .....	10.50
Joseph H. Lane, Page .....	7.50
Walter Pillsbury, Page .....	7.50
Margaret A. Conway, Official Stenographer....	22.50

That the following bills for incidental expenses be allowed:

Western Union Telegraph Company.....	.86
J. H. Forster, Rental of Typewriter.....	1.00
Edson C. Eastman Co., stationery and supplies.	23.94

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And the total amount of all the above bills, as approved by the Finance Committee, is... \$4,213.80



That all other bills in connection with the session of this Convention be approved by the Governor and Council, who shall draw his warrant for the same.

The report of the Finance Committee was accepted and the recommendations adopted.

Mr. Tobey of Temple offered the following resolution:

*Resolved*, That the delegates of this Convention agree to accept payment for their services in thrift stamps rather than cash, the thrift stamps to be mailed to each delegate in lieu of the usual check, and the State Treasurer be and is hereby requested to pay the same in accordance with the provisions of this resolution.

Question being on the resolution of Mr. Tobey of Temple,—

Mr. Newell of Alstead offered the following amendment:

Add at the end of said resolution the words, "and each town shall be credited with the amount due the delegate or delegates from such town."

Question being on the amendment of Mr. Newell of Alstead,—

Mr. Newell of Alstead withdrew his amendment.

Question being on the resolution of Mr. Tobey of Temple,—

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Spaulding of Manchester the following resolution was adopted:

*Resolved*, That the Secretary of State be instructed to reimburse members and officers of the Convention for their actual expenditures for railroad transportation and the Governor is authorized to draw his warrant for the same.

Mr. Pound of Wolfeboro offered the following resolution and moved the adoption thereof by a rising vote:

WHEREAS, A large part of the world is at war and those ideals of justice and liberty for which this nation has always stood are in grave peril; be it therefore

*Resolved*, That this Constitutional Convention of New Hampshire, assembled in regular session at Concord, June 7, 1918, does hereby express its loyalty to the administration in its conduct of the war, and hereby pledges itself to the support of those measures looking to peace with victory for the allied arms.

Question being on the adoption of the resolution of Mr. Pound of Wolfeboro,—

On a rising vote the resolution was unanimously adopted.

#### APPOINTMENT OF COMMITTEE.

The President announced the following named gentlemen as the members of the committee provided for in the resolution relating to the reconvening of the Convention at a future date:

Albert O. Brown of Manchester, President, *ex officio*.  
 Rockingham County, John Scammon of Exeter.  
 Strafford County, Leslie P. Snow of Rochester.  
 Carroll County, Arthur E. Kenison of Ossipee.  
 Belknap County, William A. Plummer of Laconia.  
 Merrimack County, James O. Lyford of Concord.  
 Hillsborough County, Charles S. Emerson of Milford.

FRIDAY, JUNE 7, 1918.

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Cheshire County, Harris H. Rice of Rindge.  
Sullivan County, Jesse M. Barton of Newport.  
Grafton County, Edwin J. Bartlett of Hanover.  
Coös County, John C. Hutchins of Stratford.

On motion of Mr. Emerson of Milford the Convention adjourned subject to the call of the committee provided for in the resolution relating to the reconvening of the Convention at a future date.

BERNARD W. CAREY,  
*Assistant Secretary.*

A true record.

Attest:

BERNARD W. CAREY,  
*Asst. Secretary.*



STATE OF NEW HAMPSHIRE

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CONVENTION

TO

**REVISE THE CONSTITUTION**

JANUARY 20, 1920

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MANCHESTER, N. H.

PRINTED BY THE JOHN B. CLARKE COMPANY

1920

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**JOURNAL**  
**OF THE**  
**CONVENTION TO REVISE THE CON-**  
**STITUTION**  
**ADJOURNED SESSION**  
**JANUARY 13, 1920**

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JANUARY 13, 1920.

Delegates of the Convention to revise the Constitution reassembled in the hall of the House of Representatives on Tuesday, January 13, 1920, and were called to order by the President of the Convention.

Prayer was offered by Rev. Harold H. Niles of Concord:

Thou great God of the universe, Thou who makest the outgoings of the morning and of the evening to rejoice, as we take up anew the work of this Constitutional Convention we pray Thee that Thy blessing may rest upon us, and that Thou wilt inspire us with Thy great wisdom, that Thou wilt kindle our hearts with Thy great love, that Thou wilt set us on fire in our search for truth, in order that we may work for the bringing in of Thy kingdom upon earth. Bless us today, and every day, in the name and the spirit of Him who went about doing good. Amen.

The President addressed the Convention as follows:

**GENTLEMEN OF THE CONVENTION:**

We have assembled to take up the work laid down a year and a half ago. At that time civilization was in danger. The

powers were estranged. An armed conflict, from its importance and extent aptly termed the World War, was in progress and America was a party to the action.

We remained here three days but were ill at ease. Our boys were contending in the clouds, guarding lanes of ocean transportation and fighting in that far flung battle line that extended from the Swiss border to the Belgian coast. Naturally we were impatient of matters that could be postponed. Military hopes and fears occupied our minds to the confusion of peaceful thoughts. Therefore, by a vote of three to one, we adjourned to a calmer day.

As our course has been justified by subsequent events, so also, it was supported by early experiences in the state and the republic. New Hampshire enjoys the unique distinction of having possessed the first written constitution adopted by any of the American colonies. This was followed in a few months by a declaration of independence, which was the first authoritative and formal statement of a purpose on the part of any colony to renounce allegiance to the British crown. At the time these instruments were promulgated the war of the Revolution had long been in progress. Major Sullivan and his men had made the first armed attack upon the military power of England. They had reduced Fort William and Mary at Newcastle, imprisoned the garrison, removed the guns and transferred a hundred barrels of powder to Durham. And this powder, later conveyed to Cambridge, had been burned at Bunker Hill, where New Hampshire farmers and woodsmen constituted a majority of the colonial troops. Lastly the accomplished and enlightened Wentworth, the last of the provincial governors, had been forced into exile in Nova Scotia. It was a time for action and not for deliberation upon measures intended for peace.

Obviously then our first constitution was a war time production. It was in terms limited to the revolution. But it was continued for one year beyond the actual close of the conflict and might easily have been made permanent had it been adequate for ordinary times. A second and a third constitutional convention assembled. Three times their drafts were submitted to the people only to be rejected by them. Finally a permanent constitution was secured, but not until the calm of peace had been restored to the public mind.



The first constitution of the United States, called Articles of Confederation and Perpetual Union, agreed to and ratified in the midst of the revolution, notwithstanding its proud title, lasted less than a dozen years. It then gave way to the compact which somewhat amended still subsists. The lesson is plain. In time of war attention is mainly directed to existing conditions.

Happily, hostilities with the central powers have ceased and substantial peace has been achieved. Our young men are all at home; some it is sad to say at home forever, in foreign graves, but most, thank God, with their families and friends in their own land.

Times are not yet wholly propitious but, it is believed, they are sufficiently so to permit the quiet business of amendment to proceed. Meanwhile it is our duty to be diligent and to avoid waste of time. A rare opportunity is presented to demonstrate the novel truth that public service can be efficiently performed.

With slight alterations our constitution retains its ancient form. For a century and a third it has served the people well. It is still entitled to respect. It certainly should not be lightly overthrown or carelessly mutilated. Yet neither age nor service nor the esteem of people should protect it from needed change. Indeed, there is a provision for unlimited amendment in the instrument itself.

If one inquires for our business here the answer is primarily to consider taxation. This subject induced the legislature of 1915 to take the first step toward this convention. The question of revenue was acute then; it is peremptory now.

In recent years the expenses of government, like costs in general, have increased by leaps and bounds. So far the property tax, which is our chief reliance, has kept pace with them, but it cannot be indefinitely advanced. If large sums of additional money are to be needed a new source of revenue must be found to supply them. Right here is the precise work for which this convention was created. This is said, however, without prejudice to the other measures that are pending, all of which it is important to consider and to decide.

It would be fortunate if the need of more revenue which most anticipate could be averted or at least confined to narrow limits. Then the present system of taxation, utilized to its utmost, might suffice for an indefinite time. But this can

not be accomplished in all cases. The cost of the construction and maintenance of schools and highways, for instance, under present laws and at present prices, is bound to increase. On the other hand, some expenses can doubtless be eliminated and many reduced. Even this is difficult, as no one knows better than a tax commissioner who for eight years, in order that taxes might be low, has persistently urged economy and care in every section of the state.

On the whole, and especially with a fall in prices, there should be a decrease rather than an increase in taxation. But as no one can read the future to ascertain the requirements of years to come, it would seem to be wise while the convention exists so to amend the constitution that it will permit us to resort to some new source of revenue, almost necessarily an income tax, in case of need.

At the adjournment of this convention both state and nation were endangered by German arms without and German intrigue within. By vigorous action abroad and at home those perils have been removed. But in their places Russian plots, deadly and far reaching, possibly the forerunners of military attacks, have been discovered. Bombs are sent by mail, homes are wrecked by explosions, veterans of the American legion are shot to death from ambush, and the country is saturated with propaganda for the overthrow of society as known and cherished by us. The apprehension, in our own state, of more than 300 alleged anarchists at one time, is a commentary on the situation, a situation that should be controlled, by just though vigorous methods, while control is comparatively easy.

These last remarks will not be defended on the ground that they are appropriate in a constitutional convention but rather on the broader ground that they are pertinent in any gathering of men who have the perpetuity of free government at heart. As American citizens you are such men. And I am sure I voice your sentiments, as I do my own, when I say that in all the future 'law and order' shall be our watchword and our guide.

### COMMITTEE REPORT.

The Committee on Reconvening the Convention, having considered the matter, reported the following and recommended its adoption:

TUESDAY, JANUARY 13, 1920.

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*To the Members of the Convention to Revise the Constitution  
and the Delegates elected thereto:*

The Convention to Revise the Constitution which assembled in June 1918, adjourned on the seventh day of that month to the call of a committee consisting of the president and one member from each county, as provided in its resolution of that date, such call to issue "whenever in the opinion of a majority of the committee the public good requires it, and in any event, within one year after the conclusion of the present war and the establishment of peace, such call to be seasonable for the submission of such proposed amendments, as may be agreed upon, at the succeeding biennial election."

In the opinion of said committee the public good requires the convention to reconvene at eleven o'clock in the forenoon of Tuesday, the thirteenth day of January, 1920, in the hall of the house of representatives in the state house at Concord, and in its opinion also this date will in all respects meet the requirements of said resolution.

Therefore, the members of said convention and the delegates elected thereto are hereby called and notified to assemble and convene at the time and place aforesaid.

Concord, N. H., November 10, 1919.

ALBERT O. BROWN,  
JOHN SCAMMON,  
LESLIE P. SNOW,  
ARTHUR E. KENISON,  
WILLIAM A. PLUMMER,  
JAMES O. LYFORD,  
CHARLES S. EMERSON,  
HARRIS H. RICE,  
JESSE M. BARTON,  
EDWIN J. BARTLETT,  
JOHN C. HUTCHINS,

*Committee for Reconvening the Convention to*

*Revise the Constitution.*

The report of the committee was accepted and its recommendation adopted.

#### RESIGNATIONS FROM COMMITTEE.

Messrs. Arthur E. Kenison of Ossipee, Henry H. Metcalf of Concord and Elmer E. Woodbury of Woodstock tendered their resignations as members of the Committee on Credentials.

On motion of Mr. Streeter of Concord, the resignations were accepted.

#### COMMITTEE APPOINTMENTS.

The President appointed the following named gentlemen on the Committee on Credentials, to fill the vacancies caused by resignations:

Kennett of Madison.  
Bunten of Dunbarton.  
Hoyt of Hanover.

Mr. Kinney of Claremont, for the Committee on Credentials, reported that *prima facie* evidence had been presented that the following named gentlemen, elected as delegates to the Convention, had died during the adjournment *interim*:

Albert S. Wetherell of Exeter.  
Alfred F. Howard of Portsmouth.  
Calvin Page of Portsmouth.  
John T. Welch of Dover.  
John H. Wesley of Dover.  
Ernest C. Wescott of Rochester.  
James E. French of Moultonborough.  
Bard B. Plummer of Milton.  
George W. Stone of Andover.  
Gilbert Hodges of Franklin.

Mason T. Ela of Warner.  
Richard R. Allen of Manchester.  
George I. McAllister of Manchester.  
Henry Weber of Manchester.  
Fred J. Crowell of Nashua.  
Mortier L. Morrison of Peterborough.  
Rockwell F. Craig of Marlow.  
Henry A. Clark of Acworth.  
William E. Lawrence of Haverhill.  
John E. Clough of Lyman.  
John F. Merrill of Thornton.  
Frank A. Updyke of Hanover.  
Frank C. Clement of Warren.  
Joseph H. Wight of Berlin.  
Eugene B. Worthen of Manchester.  
George T. Morrill of Guilford.  
Lewis H. Coy of Wentworth's Location.  
William J. O'Neil of Nashua.

The committee reported further that the following named gentlemen, elected as delegates to the Convention, had resigned during the adjournment *interim*:

Charles W. Whitcomb of Stratham.  
Eben O. Garland of Bartlett.  
Dewitt C. Howe of Concord.  
Albert S. Carter of Northfield.  
Henry C. Davis of Hopkinton.  
Charles M. Norwood of Keene.  
William H. Watson of Keene.  
Harry A. G. Abbe of Dublin.  
Leon D. Ripley of Stewartstown.  
Thomas M. Dillingham of Roxbury.  
Philip F. Gordon of New Ipswich.  
Charles F. Floyd of South Hampton.  
Orlo E. Barnard of Piermont.

The committee reported further that *prima facie* evidence had been presented of the election of the following named gentlemen as delegates to the Convention, to fill the vacancies, caused by death or resignation, in their respective town or ward:

- Reginald C. Stevenson of Exeter.
- Harry C. Peyser of Ward 2, Portsmouth.
- Frank H. Pearson of Stratham.
- Charles A. Fairbanks of Ward 3, Dover.
- Edward Durnin of Ward 5, Dover.
- William T. Gunnison of Ward 2, Rochester.
- George A. Blanchard of Moultonborough.
- Harry W. Burleigh of Ward 1, Franklin.
- Benjamin F. W. Russell of Peterborough.
- William A. Cabot of Dublin.
- Herman C. Rice of Ward 3, Keene.
- Almon E. Clark of Acworth.
- . William Birch of Lyman.
- Horace E. Morrison of Piermont.
- Walter I. Lee of Thornton.
- Fred H. Noyes of Stewartstown.
- John J. Doherty of Ward 6, Concord.
- George E. Barnard of Hopkinton.
- Fred D. Johnson of South Hampton.
- George Gale of Bartlett.
- John A. Hammond of Guilford.
- Wilbur L. Phelps of New Ipswich.
- James R. Turner of Wentworth's Location.
- John A. Jaquith of Northfield.

The committee reported further that, owing to the decease of Frank A. Updyke of Hanover, it recommends that Horace F. Hoyt of Hanover, previously seated as a delegate in this Convention with one half vote, be seated as a delegate with a full vote.

The report of the committee was accepted and its recommendations adopted.

MR. BARTON of Newport. Mr. President: As is well known to the Convention, our secretary has deceased since last we met and it becomes necessary for us at this time to elect a new secretary to take his place. I move you that we proceed to ballot for some one to serve us as secretary of this Convention.

On a *viva voce* vote the motion was adopted.

MR. BRENNAN of Peterborough. I wish to make a suggestion and a nomination for the office of clerk, and in connection with what I have to say the recent suggestion of one of the prominent delegates of this Convention becomes pertinent. A gentleman stated a few moments ago that he "regretted the Democrats proposed to inject politics into this Convention." The incorrect premises upon which that remark was based in no way militates against the correctness of the principles involved. It is indeed unfortunate to inject party politics into a Constitutional Convention—an unprecedented performance. Up to this time there has been one gathering of the representatives of our people where politics did not enter, and it was here where the questions of our fundamental laws are considered. In a Constitutional Convention politics has no place, no more than in a church meeting. We have had no political party question in this Convention up to the present time, nor had we any in prospect; it is an unfortunate thing if politics are now to be injected into this body. If injected here and party lines are drawn the same as we have in some Legislatures, our Convention will be looked upon in an entirely different respect from any we ever have had, and its work may be received in a very different way than has been the work of any other Convention.

From time immemorial the minority party in our Constitutional Conventions has been accorded the temporary chairman but the Chairman of this Convention has been selected from the majority; no politics in it. The clerk from time immemorial has also been accorded to the minority with a purpose of neutralizing the organization in reference to party lines and there has been no political contest. Who has in truth injected party politics here? If there is to be an effort to gain full party control here I agree with the eminent gentlemen, a president of a

former Convention and I lament with him that politics has been thrust into our deliberations. Has this been done, and which party is responsible?

We are all partisans. I myself at one time in our legislature suggested that the eminent gentleman from Ward 4, Concord, prominent here in our discussions, was the second worst partisan in that body. Somebody on that occasion asked who was the first and greater offending partisan; of course I wasn't going to make any admissions or answer any question of that sort. We are all partisans, but you are all fair men, and you, each of you, agree with this prominent delegate that I quote. You also regret if politics has entered this Constitutional Convention.

Why not let this matter go along the way it has heretofore, where all has been entirely satisfactory, and permit the people to continue regarding our Constitutional Conventions as the one place in New Hampshire where politics shall not enter?

Well, what is the present status? The present assistant secretary of this Convention is an able man. A cleaner, more competent gentleman cannot be found in New Hampshire than Mr. Carey, the present assistant secretary. But this is in no sense a personal matter. The nominee of the Democrats is another able young man. Both are members of the bar. The Democratic nominee, a young man who has been in the military service for a year, is one of the bright young men of this city. He has served well his city, he has served well his country. The present secretary has efficiently performed his duty as clerk in the Legislatures and here. This question goes far beyond a personal matter. Either one of these men will serve you well. If it was a personal question, if it was an inquiry as to the comparative ability or character of these two, you would have some difficulty in deciding between them. It goes deeper down than that; it violates an established and wise precedent. I too regret if "politics is to be injected here."

The real situation is that the friends of the assistant secretary, a Republican, propose to break down this wise, unwritten rule which has given unpartisan character to these Conventions; this, of course, they have a legal right to do. His friends have been solicitous and they have been working here in this convention to change the former non-partisan policy. It is Republican delegates who propose to inject politics into this body. But they say, "We don't care about that, we



want a man who is efficient, and the present secretary fills that bill." There is no objection to him on that line, not a particle. But they say, "so far as this precedent is concerned, so far as the universal rule is concerned, we do not care anything about that. We want our man and we don't care anything about your rule."

I regret all this. The Democrats, finding that this change was to be attempted, and this beneficent rule which we have had for generations set aside,—when they found what was to be accomplished,—called a caucus, and nominated Joseph C. Donovan, a veteran of the World War, a lawyer in this city, and an able and honorable young gentleman. The Republicans called a caucus and nominated the equally competent young gentleman, our present assistant secretary, Mr. Carey; and no man has any more respect for him or his people than I have. But I appeal to you in the interest of a wise precedent, in the interest of harmony, in the interest of the good work we are to do, and in the interest of presenting to the people a record that will not be tainted with political party prejudice—I appeal to you, gentlemen, to sustain the rule that has been found to be so good, and continue this policy of in some degree splitting up among the parties these offices. I thank you for your attention and respectfully nominate Joseph C. Donovan for secretary of this Convention.

Mr. Snow of Rochester raised the point of order that the question had not been stated by the chair.

The President ruled that the point was well-taken.

The question being stated:

MR. SNOW of Rochester. Gentlemen of the Convention: I know that we all deeply regret that there is occasion to fill the vacancy of any office in this Convention by reason of death. It is particularly unfortunate, however, to have a vacancy occur in an office upon the occupant of which so much depends for the efficient handling of the business of the Convention. All of the members of this body who have heretofore been members of the House of Representatives, or who have been members of this or any previous Convention, cannot be indifferent to or unmindful of the amount of work of our secretary, nor of the importance to the efficient handling of the Convention, of the man who shall serve us as secretary. We observe,

as we have seen them at the desk, how these officers have occasion to direct and control to a large extent the work of the Assembly and to see that it goes forward in an orderly manner.

Now, fortunately, we have as assistant secretary a man who has had large experience. It is probably known to all of you that the present occupant of the assistant secretaryship has served as assistant clerk of five different Legislatures in this State, from 1911 down to the present time. He served as assistant secretary of the Constitutional Convention which sat here in 1912, and he has served us in this Convention until the unfortunate occurrence which makes vacant the position of secretary.

Now, in placing before you this nomination, I am not unmindful of all that my brother, the gentleman from Peterborough, has said. I am not unmindful of those party courtesies—for that is what we call them—that have prevailed in deliberate bodies of this character, and it is well that they do prevail. I wish to assure you gentlemen that I would be one of the last to break that rule if we were opening this Convention today. But, gentlemen, we are confronted by a situation here. We are in the midst of the Convention, we have got to do the business of the State, and we want to do it efficiently; and it is for the very reason that politics should not be injected here that we should nominate and should elect to the position the man who is preeminently best able to serve us in this contingency.

I therefore place in nomination the man who to my mind, and I believe to yours, will give us the most efficient service, and who will be able to immediately go ahead with the work of this Convention, and carry it to its consummation; I nominate as secretary our present assistant secretary, Mr. Bernard W. Carey of Newport.

MR. EMERSON of Milford. Mr. President, as a delegate to this convention I feel that we are to be congratulated on having two such names before us for the important position of secretary as those which have been called in your presence. One of these gentlemen was an officer in this Convention at its first session, became acquainted with the business of the session, became acquainted with the personnel of the delegates, and, unfortunately, was obliged to make up the journal of the Convention to the present time. He is therefore well acquainted with the business in hand. And in order that politics may not

be injected here, and in order that no political question may be raised here, I am very glad to second the nomination of Bernard W. Carey on the ground that he is specially fitted by his experience to carry out the duties of this position.

MR. AMEY of Lancaster. Mr. President, just a word. In listening to this discussion we might conclude that Mr. Carey was going to be wiped off the slate if we elected Mr. Donovan secretary of this Convention. Mr. Carey is the assistant secretary of this Convention, and nobody has proposed or intimated that we are going to take that office away from Mr. Carey. Mr. Carey is to be right here on duty. What we propose to do is to elect a man to take the place of A. Chester Clark, who is dead. Mr. Carey is living, he is here serving us this morning efficiently.

Now, let us fill the place of Mr. Clark by a Democrat and leave Mr. Carey in the position where we originally placed him when this Convention met, if you want to be fair. If you want to inject politics into this Convention you will be sorry, you will rue the day, gentlemen, when you do that, because it will not only have its effect upon the action of this Convention, upon the many important questions which are to come before it, but it will have its effect upon the ratification of the work you do here. There is no question about it. It will be a sad day when you do this to the Democratic party. We know when we are treated fairly. We are in the minority here, although I am proud to say we are living in a State that has twice cast its vote for a Democratic president, and that Democratic success may sweep along down and take away from you and from under your feet the present foundation upon which you Republican gentlemen of this Convention are taking our rights away from us.

MR. JONES of Lebanon. I wish to call attention to the fact that the custom and the universal rule which the gentleman from Peterborough (Mr. Brennan) has called to your attention has been fully complied with by this Convention in the election of the late A. Chester Clark, for whose death we are all very sorry, and that an entirely new situation has arisen, for which I know of no precedent, other than the precedent of advancing the assistant secretary to the office of secretary, and I second the nomination of Mr. Carey.

APPOINTMENT OF TELLERS.

The President appointed the following named gentlemen to act as tellers to count and sort ballots:

Messrs. Patterson of Concord.  
 Wright of Sanbornton.  
 Whelpley of Manchester.  
 Emerson of Milford.  
 Sanders of Derry.

Total number of ballots cast.....	339
Necessary to a choice.....	170
Joseph C. Donovan of Concord had.....	102
Bernard W. Carey of Newport had.....	237

And Bernard W. Carey, having a majority of the votes cast, was declared elected Secretary.

Bernard W. Carey of Newport appeared and qualified as Secretary to the Convention.

On motion of Mr. Snow of Rochester, the Convention proceeded to ballot for the election of Assistant Secretary.

On motion of Mr. Lyford of Concord, the Secretary was instructed to cast one ballot, as the ballot of the Convention, for Joseph C. Donovan of Concord, as assistant secretary.

Total number of ballots cast.....	1
Necessary to a choice.....	1
Joseph C. Donovan had.....	1

And Joseph C. Donovan was declared elected assistant secretary.

RESIGNATION.

Joseph C. Donovan of Concord tendered his resignation as assistant secretary to the Convention.

On motion of Mr. Callahan of Keene, the resignation was accepted.

On motion of Mr. Duncan of Jaffrey, the following resolution was adopted:

*Resolved*, That the use of Representatives Hall be granted the delegates Wednesday evening, January 14, 1920, for the purpose of holding a public meeting, to be addressed by Hon. Joseph W. Walker of Brookline, Mass., former speaker of the Massachusetts House of Representatives, on "The Initiative and Referendum."

On motion of Mr. Brennan of Peterborough, the following resolution was adopted:

WHEREAS, It is announced that President Ernest Martin Hopkins of Dartmouth College is to address the Wonolancet Club of Concord on the subject of "Factors of Social Unrest," and many members of this Convention and state officers desire to hear said address,

*Resolved*, That the Governor be requested to invite the delivery of said address in Representatives' Hall on the evening of Thursday, January 15, at eight o'clock, and to make all necessary and convenient arrangements therefor.

On motion of Mr. Lyford of Concord, the Convention took a recess for one hour and thirty minutes.

#### AFTER RECESS.

Mr. Lyford of Concord asked unanimous consent to offer an amendment to Rule 13 of the Rules of Procedure of the Convention.

Unanimous consent being granted, Mr. Lyford of Concord offered the following amendment to Rule 13:

Amend by striking out "Tuesday, June 11, 1918," and substituting "Thursday, January 15, 1920."

The question being on the amendment offered by Mr. Lyford of Concord:

Mr. Metcalf of Concord offered the following amendment to the amendment of Mr. Lyford of Concord:

Amend the amendment by substituting for "Thursday, January 15, 1920," the following: "Tuesday, January 20, 1920."

The question being on the amendment of Mr. Metcalf of Concord to the amendment of Mr. Lyford of Concord:

Mr. Lyford of Concord accepted the amendment offered by Mr. Metcalf of Concord.

\* The question being on the amendment offered by Mr. Lyford of Concord:

MR. HOYT of Hanover. Mr. President, I would like to ask, if this resolution is adopted, and there are some important questions to be acted upon, if it can be changed so there could be any amendment after next Tuesday? If we are going to get through, all right. It doesn't look to me this week, perhaps, as though we shall get all the resolutions that the delegates deem necessary before the Convention. Perhaps we shall. It seems to me that Thursday, the 22nd, would be a safer date. We can get through, I suppose, just as well, if we do that, but it seems to me this present motion cuts us off.

MR. LYFORD. If the gentleman will pardon me, you can amend any resolution that is presented here when it is before the Committee of the Whole, so that it will not be necessary to extend that time.

On a *viva voce* vote the amendment was adopted.

INTRODUCTION OF RESOLUTIONS.

Mr. Lyford of Concord introduced the following resolution—Resolution No. 21:

Resolution Giving the Governor Authority to Veto

Items in Appropriation Bills.

*Resolved*, That Article 44 (45) of the Constitution be amended by adding thereto the following:

The governor may approve or disapprove any separate appropriation contained in any bill or resolve. Such part as he may approve shall thereupon become a law; and such part as he may disapprove shall be returned separately to the General Court in the manner provided in the preceding section and separately reconsidered; and if re-passed as therein provided, shall become a law.

The resolution was read, laid on the table to be printed, and referred to the Committee on Bill of Rights and Executive Department.

Mr. Wright of Sanbornton introduced the following resolution—Resolution No. 22:

Resolution Relating to the Taxation of Growing Wood and Timber.

*Resolved*, That the Constitution be amended as follows:

Add at the end of Article 5 the following: *Provided, further*, that the General Court may provide for such reduced tax valuation of growing wood and timber as in its judgment will tend to prevent the premature cutting thereof and to assure a continuous supply of lumber and other forest products for the public benefit; and may provide for taxation of the value of such growing wood and

timber, when cut, at a rate in excess of the general rate; and for those purposes may define growing wood and timber and classify the same; so that said article as amended shall read:

ART. 5. And, further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this state and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defense of the government thereof; and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the governor of this state, for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the



same; *provided*, that the General Court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stocks or bonds. *Provided, further*, that the General Court may provide for such reduced tax valuation of growing wood and timber as in its judgment will tend to prevent the premature cutting thereof and to assure a continuous supply of lumber and other forest products for the public benefit; and may provide for taxation of the value of such growing wood and timber, when cut, at a rate in excess of the general rate; and for those purposes may define growing wood and timber and classify the same.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

Mr. Wright of Sanbornton introduced the following resolution—Resolution No. 23:

Resolution Relating to the Right of Suffrage.

*Resolved*, That the Constitution be amended by striking out Article 27, Part Second, and inserting in the place thereof the following:

ART. 27. The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz.: every inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish

wherein such inhabitant dwells, for the senator in the district whereof such inhabitant is a member.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Cobleigh of Nashua introduced the following resolution—Resolution No. 24:

Resolution Relating to the Right of Suffrage and  
Holding Office.

*Resolved*, That Articles 27 and 29 of Part Second of the Constitution of the State of New Hampshire be amended by striking out all of said articles and inserting in place thereof the following:

ART. 27. The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz.: Every person who is a citizen of the United States and an inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish wherein he or she dwells, for the senator in the district whereof he or she is a member.

ART. 29. And every person qualified as the Constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation where he or she doth dwell and hath a home, *provided, however*, that hereafter the right of citizens of New

Hampshire to vote or hold office shall not be denied or abridged on account of sex.

The resolution was read, laid on the table to be printed and referred to the Committee on Legislative Department.

Mr. Cobleigh of Nashua introduced the following resolution—Resolution No. 25:

Resolution Relating to the House of Representatives and  
Senate and the Compensation of the Officers  
and Members Thereof.

*Resolved*, That Articles 9, 10, 14, 15, 24 and 25 of Part Second of the Constitution of the State of New Hampshire be amended by striking out all of said articles and inserting in place thereof the following:

ART. 9. There shall be in the legislature of the state a representation of the people by the election biennially of two hundred members, founded upon principles of equality, and in order that such representation will be equal as circumstances will admit, the legislature shall, from time to time divide the state into two hundred districts, as nearly equal as may be, on the basis of population according to the last preceding census of the United States or of this state.

ART. 14. The presiding officers of both houses of the legislature shall severally receive out of the state treasury as compensation in full for their services, for the term elected, the sum of six dollars a day; and all other members thereof seasonably attending and not departing without license, the sum of five dollars a day for a period not exceeding one hundred days; *provided, however*, that when a special session shall be called by the governor, such officers and members shall receive additional *per diem* compensation as above, for a period not exceeding fifteen days and the usual mileage.

ART. 15. All intermediate vacancies in the house of representatives shall be filled in the same manner as vacancies in the senate are filled.

ART. 24. The senate shall consist of forty members, who shall hold their office for two years, from the first Wednesday of January next ensuing their election.

ART. 25. And that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into forty districts as nearly as may be without dividing towns and incorporated places, on the basis of population according to the last preceding census of the United States, or of this state.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

#### REPORT OF COMMITTEE.

Mr. Lyford of Concord, for the Committee on Legislative Department, to whom was referred Resolution No. 5, relating to taxation, having considered the same, reported the same in a new draft, with the recommendation that the amendment as proposed in the new draft be adopted by the Convention.

Resolution No. 5 (in new draft):

Resolution Relating to Taxation.

*Resolved*, That the Constitution be amended by adding to Section 5 the following:

*Provided, further*, the said General Court shall have full power and authority to impose and levy taxes on incomes from whatever source derived, which taxes may be classified, graduated and progressive, with reasonable exemptions.

The resolution, in its new draft, was read and laid on the table to be printed.

On motion of Mr. Emerson of Milford, the President was instructed to appoint a committee consisting of ten members of the Convention as a committee to assign rooms to the standing committees of the Convention.

On motion of Mr. Kenison of Ossipee, the following resolution was adopted:

*Resolved*, That the Convention now proceed to draw seats and that the method followed in the House of Representatives be adopted, and the Secretary of the Convention draw for the absent members.

On motion of Mr. Snow of Rochester, the following resolution was adopted:

*Resolved*, That George W. Peirce of Winchester, Hosea W. Parker of Claremont, Joab N. Patterson of Concord, Edward Woods of Bath, John Shaw of Salisbury and Thomas Entwistle of Portsmouth, each being more than eighty years of age, and Mr. Frank S. Streeter of Concord, President of the Constitutional Convention of 1912, be allowed to select their seats before the drawing.

That the members of the Grand Army, War Veterans, and Frederick J. Hughes of Windham, who have rendered distinguished service to their country and state, be allowed sixteen seats in the second, third and fourth rows of seats in the third division, and the Secretary of the Convention be instructed to assign the seats to the individual members so selected.

MR. PARKER of Claremont. Mr. President, in behalf of my young friends I want to express my appreciation of this vote and thank the Convention for its magnanimous action.

MR. SNOW of Rochester. Mr. President, it seems to me that the question of the election of an assistant secretary should be attended to as early as possible in order to get the greatest efficiency, and in talking with leading members of the minority party I find, while they do not care to present any name, there is a member of that party who is entirely agreeable to the leaders.

On the motion of Mr. Snow of Rochester, the Convention proceeded to the election by ballot of assistant secretary of the Convention.

MR. SNOW. Mr. Plummer is a young lawyer, fully competent to fill the position. He is a member of the minority party in the State, has served as assistant clerk to one of our clerks of court and is fully competent to fill the position.

On the motion of the same gentleman, the Secretary was instructed to cast one ballot, as the ballot of the Convention, for Wayne M. Plummer of Laconia, as assistant secretary.

Whole number of votes cast.....	1
Necessary to a choice.....	1
Wayne M. Plummer of Laconia had .....	1

And Mr. Wayne M. Plummer of Laconia was declared elected assistant secretary of the Convention.

On motion of Mr. Quimby of Concord, the Convention adjourned at 5.47 o'clock.

#### AFTERNOON.

The Convention met according to adjournment.

On motion of Mr. Stevenson of Exeter, the Convention adjourned at 5.48 o'clock.

WEDNESDAY, JANUARY 14, 1920.

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WEDNESDAY, JANUARY 14, 1920.

The Convention met at ten o'clock in the forenoon, according to adjournment.

Prayer was offered by Rev. Harold H. Niles of Concord.

The reading of the journal of the preceding day having begun:—

On motion of Mr. Callahan of Keene, the rules were so far suspended that the further reading of the journal was dispensed with.

COMMITTEE APPOINTMENTS.

The President announced the appointment of the following named gentlemen to serve on the several standing committees where vacancies had been caused by death or resignation, and on special committee authorized by the Convention:

*Committee on Future Mode of Amending the Constitution and Other Proposed Amendments.*

Stevenson of Exeter.  
Metcalf of Concord.  
Booth of Hinsdale.  
Annis of Colebrook.  
Kenison of Ossipee.  
Horne of Rochester.

*Committee on Bill of Rights and Executive Department.*

Woodbury of Woodstock.  
Dort of Troy.  
Gunnison of Rochester.

*Committee on Legislative Department.*

Parker of Claremont.  
Clarke of Walpole.

*Committee on Judicial Department.*

Price of Lisbon.  
Peyser of Portsmouth.

*Committee on Elections.*

Duncan of Hancock.

*Committee on Finance.*

Blanchard of Moultonborough.  
McHugh of Gorham.  
Fairbanks of Dover.  
Parker of Goffstown.  
Wellman of New London.  
Russell of Peterborough.

*Committee on Rules.*

Waldron of Farmington.  
Beaudoin of Berlin.  
Cox of Holderness.

*Committee on Assignment of Rooms.*

English of Littleton.  
Bell of Lebanon.  
Brown of Deerfield.  
Clough of Laconia.  
Doe of Newfields.  
French of Concord.  
Gingrass of Manchester.  
Johnson of Pittsburg.  
Farnum of Frankestown.  
Sawyer of Atkinson.



INTRODUCTION OF RESOLUTIONS.

Mr. Woodbury of Woodstock introduced the following resolution—Resolution No. 26:

Resolution Relating to Salaries of Members of the  
General Court.

*Resolved*, That the Constitution of the state be amended as follows:

Amend Part Second of the Constitution by striking out Article 14 of the same, and inserting in lieu thereof the following:

The presiding officers of both houses of the legislature shall severally receive out of the state treasury as compensation in full for their services, for the term elected, the sum of three hundred and fifty dollars, and all other members thereof seasonably attending and not departing without license, the sum of three hundred dollars, exclusive of mileage; *provided, however*, that when a special session shall be called by the governor, such officers and members shall receive for attendance an additional compensation of four dollars per day for a period not exceeding fifteen days, and the usual mileage.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

Mr. Foote of Wakefield introduced the following resolution—Resolution No. 27:

Resolution Relating to the Taxation of Property When  
Passing by Will or Inheritance.

*Resolved*, That the Constitution be amended by adding to Article 6 the following:

Taxes on property when passing by will or inheritance may be graduated and progressive, and with reasonable exemptions.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

### COMMITTEE REPORTS.

Mr. Quimby of Concord, for the Committee on Permanent Organization, reported the following named persons be elected to fill the vacancies in the several offices of the Convention, caused by death and resignations:

*Chaplain*—Rev. Harold H. Niles of Concord.

*Official Stenographer*—William L. Haskell of Boston.

*Assistant Official Stenographer*—William H. Matheson of Boston.

*Stenographer*—Bessie A. Callaghan of Manchester.

*Doorkeeper*—Charles W. Buzzell of Laconia.

*Messenger*—Albert T. Barr of Manchester.

*Page*—Ernest R. Carpenter of Concord.

The report was accepted and the recommendations adopted.

Wayne M. Plummer of Laconia, Assistant Secretary, William L. Haskell of Boston, Official Stenographer, and William H. Matheson of Boston, Assistant Official Stenographer, appeared and qualified for their several positions respectively.

### RECESS.

On motion of Mr. Lyford of Concord, the Convention took a recess until eleven o'clock.

AFTER RECESS.

On motion of Mr. Lyford of Concord, Resolution No. 5 in new draft, Resolution relating to Taxation, was taken from the table.

The question being on the motion of Mr. Lyford of Concord:

Mr. Duncan of Jaffrey offered the following amendment to the motion of Mr. Lyford of Concord:

Amend by adding the following:

- . Resolution No. 2, Resolution relating to the Powers of the General Court;

Resolution No. 20, Resolution relating to conferring upon the General Court the Power to Impose and Levy reasonable Assessments, Rates and Taxes and to Classify the subject of Taxation, be recalled from the Committee on Legislative Department to be considered in the committee of the whole at the same time.

The question being on the amendment of Mr. Duncan of Jaffrey to the motion of Mr. Lyford of Concord:

MR. DUNCAN of Jaffrey. Mr. President, it strikes me that we are placing the cart before the horse in this matter. We have before us two resolutions relating to what is known as a general taxation proposition, to allow the Legislature free hand to deal with the whole question of taxation; we have before us this resolution No. 5 relating to an income tax; we have before us a resolution which was introduced by Mr. Wright of Sanbornton yesterday relating to the taxation of growing wood and timber.

Now it seems to me, Mr. President, that the larger proposition should be discussed by this Convention first, because the whole includes the parts. If this Convention should see fit to submit to the people the general proposition to leave the question of taxation with the Legislature as a whole then there would be no further need of dealing in part with the question

of the income tax or with the question of the taxation of growing wood and timber. However, if it is advisable this morning to discuss the question of taxation, it seems to me that we should discuss not only the income tax proposition but the general proposition. Therefore I move, Mr. President, that resolutions No. 2 and 20, dealing with general taxation, be recalled from the committee to which they were referred and considered in Committee of the Whole together with resolution No. 5. I move that as an amendment to the motion of the gentleman from Ward 4 of Concord.

MR. LYFORD of Concord. Mr. President, for the benefit of the members who were not here when I made my motion, I will state the parliamentary situation before the Convention. The committee on Legislative Department reported yesterday Convention Resolution No. 5 relating to income taxation in a new draft. That new draft has been printed and is now before you. This morning I moved that the Convention resolve itself into a Committee of the Whole to consider this proposition. To my motion the gentleman from Jaffrey (Mr. Duncan) has moved to amend by including the two propositions that open wide the door for the Legislature to do anything it sees fit in a reasonable way on the subject of taxation.

There are before this Convention various resolutions in regard to taxation. They may be grouped under the following heads: Resolutions that open the door wide for the Legislature to do anything in reason in the line of taxation, striking out the word "proportional" as to any subject that the Legislature sees fit to tax. Those resolutions would include the resolution that I have asked the Convention to go into the Committee of the Whole upon the timber taxation question, and the question of the taxation of property passing by will and inheritance, which was introduced this morning.

Now, we have before this Convention this general proposition, which includes all the others. You then have this specific proposition to tax incomes from whatever source derived. You have before the Convention in committee a proposition to specially tax growing wood and timber, and you have before you a proposition to provide for the taxation of property passing by will and inheritance.

If your committee were prepared to report the general propositions, which include the smaller, and this Convention were ready to adopt a resolution of this kind, it would not be

the part of wisdom on the part of this Convention to stake its work on taxation on a single throw, as would be contained in the larger proposition, because if that larger proposition fails before the people—and it will have against it all the antagonisms that are against each individual proposition—then the work of this Convention as to taxation goes for naught.

Now, it is the opinion of the committee that we should submit, if it is the pleasure of this Convention, a proposition in regard to the taxation of incomes, a proposition in regard to the taxing of timber, and a proposition in regard to the taxation of inheritances. Then if the Convention wants to do so later, wants to submit the larger clause, you will have before the people a choice of accepting the larger clause or of accepting any one of these distinct propositions that will be presented. It has therefore seemed to the committee that it was better to take up these propositions as they are presented, these specific propositions first. If any one of them fails then it is certain that the bigger proposition will fail, because anybody who is opposed to any one of these propositions would certainly vote against the larger proposition.

I believe it will be in the interest of economy of time in this Convention to consider the concrete propositions first, and, whatever the action of the Convention, that these concrete propositions should be submitted to the people even if this Convention is ready to open wide the door for the Legislature to tax and classify and do anything that it pleases. It is for that reason that I think we should confine the work of going into the Committee of the Whole to this concrete proposition of taxing incomes from whatever source derived. That does not prevent members of this Convention, in discussing this, from discussing the larger proposition. I hope the amendment will not prevail.

MR. DUNCAN of Jaffrey. Mr. President, this question resolves itself largely, then, judging from the remarks of the gentleman from Concord (Mr. Lyford) into our individual judgment as to what the people will do with regard to the amendments which are submitted to them. Now it is my personal opinion that we are as likely to consolidate the support for the various individual propositions in support of a general proposition as that we would solidify the opposition to the specific proposition against the general proposition.

My belief is this. It seems to me that if a general proposition were proposed by this Convention that the people who believe in an income tax, the people who believe in some method of dealing with taxation of growing wood and timber, the people who believe in some different method of dealing with the taxation of intangibles, the people who believe in some different method of dealing with taxation of inheritances, should all get together for the support of a proposition which would remove from the Constitution those restrictions which make the Constitutional Convention as at present a legislative body.

Now, a constitution is a fundamental declaration of principles of government. It is not supposed to take a part in legislation. It is a broad statement of principles. The broad statement of principle that it seems to me should be incorporated in the Constitution is that the Legislature should have power to impose reasonable taxes and levies and assessments for the support of the government, and beyond that I see no logical reason why this Convention should go. I see no reason why the people should not support such a proposition, and why all the advocates of special propositions haven't their position before the Legislature rather than before the Constitutional Convention.

For that reason it seems to me that we should discuss the larger question first, and then, if that prevails with the Convention, all of us who support different partial propositions should organize ourselves together to tell the people that this is a thing that ought to be done, and then let the Legislature solve the particular partial proposition. For that reason I think we should discuss the general proposition first.

MR. BRENNAN of Peterborough. I am in favor of giving the Legislature larger latitude in the matter of taxation in certain cases. I am, however, opposed to throwing down the bars and leaving all taxation matters wholly with the Legislature without any constitutional limitations. I believe that these two propositions—the income tax and the wood and timber tax,—should be considered separately. It is my belief that because they were not so considered in 1912 the people rejected both; although 19,200 favored the propositions with 10,151 opposed, it did not receive the necessary two-thirds vote for its adoption.

There are four resolutions the committee now has under consideration. Number 1 was adversely disposed of at the June,

1918, session of this Convention. Nos. 2, 5, 17 and 20 are the four resolutions that will be before us if the suggestion of the delegate from Jaffrey is adopted. Nos. 2 and 20 are identical, with the exception of the three last lines in resolution 20. Both throw down the bars, giving the Legislature power of taxation with only slight constitutional limitations.

The Legislative Committee are unanimously against that proposition. I think this Convention will be opposed to giving the Legislature such nearly unlimited powers. I believe the Constitution should still continue to hold some curb in this matter of taxation. The Legislature should not have an entirely free hand. You may consider all four of these resolutions, if you think well of that mode, right here now in this Committee of the Whole. You do not need to adopt the better course of receiving a report from a special committee. We disposed of No. 1, with unsatisfactory consideration, through the Committee of the Whole, in our first session without submitting it to a special committee, it was obviously a poor procedure. Reference to a special committee will in the end save time and is a better mode where there are so many resolutions along the same line which may be consolidated, substituted or amended and returned in a more satisfactory way to the Convention for consideration.

It is always best to first have some definite proposition and recommendation from a special committee to be considered by this Committee of the Whole, because a Committee of the Whole is not so well calculated to center these several propositions down to a desirable concrete proposition as in a special committee where the people may be heard.

Nos. 2 and 20 give almost entire taxing power to the Legislature and being nearly identical should be considered together. Then we come to Nos. 5 and 17. No. 5 in a new draft by the delegate from Ward 4 Concord, comes with the unanimous approval of the Legislative Committee and is a wise measure, in my opinion. No. 17 introduced by the former delegate from Dublin also gives the objectional general taxing powers to the Legislature and has some novel features of exemptions from taxation, not extending that favor to bachelors, which discrimination I have a personal objection to. I do not like it because it omits me from its exemption favors. But seriously, Mr. Chairman, it contains much legislative matter that should not be embodied in a constitutional amendment;

hence I believe this Convention will not look with favor upon resolution No. 17. I believe that out of all four of these resolutions we should take only No. 5 in the new draft, relative to incomes, rejecting Nos. 2, 17 and 20, if indeed we now propose to consider and finally dispose of all four in the Committee of the Whole.

If you now propose to consider all four resolutions, we can, under No. 2 or 20, leave all matters of taxation wholly with the Legislature; or under No. 5 consider the question, leaving only the taxing of incomes with the Legislature. If by Nos. 2 or 20 you give a general power you will obviously not need No. 5 at all, nor indeed any other resolution along this line because you will have given the Legislature almost entire control of all taxation matters.

The question then is whether or not our recommendations shall be this particular income tax resolution, No. 5 or to let down the bars of taxation to Legislative control.

MR. WOODBURY of Woodstock. Mr. President, I would like to inquire what the main question now before the Convention is?

THE PRESIDENT. The question is upon the motion of Mr. Duncan of Jaffrey, so to amend the motion of Mr. Lyford of Concord that it will apply to resolutions Nos. 2 and 20 as well as Resolution No. 5.

MR. WOODBURY. Gentlemen of the Convention, I did not expect that I would be called upon to defend my resolution so soon as this, nor do I know as it is necessary to do it just now; but it seems to me the way the thing has come in here that perhaps it is my duty to say just a few words.

At the outset I want to say that I am friendly and favorable to the classification of timber lands for the purpose of taxation in so far as it is going to encourage the conservation of the forests of New Hampshire, but I want some sort of proposition to go before the people that I believe will stand a chance of adoption. Anything that looks like class legislation, any amendment that looks as though it was going to relieve some on industry and place the burden on some other industry, is not going to pass in my opinion.

MR. AMEY of Lancaster. Mr. President, I rise to a point of order. It seems to me that the discussion is wandering far away from the main proposition that is before the Convention. As I understand the question before the Convention, it is whether or not it shall resolve itself into a Committee of the



Whole for the consideration of certain propositions; that certain propositions are to be discussed, and the question now, on the amendment of the gentleman from Jaffrey (Mr. Duncan), is as to what propositions will be discussed when the Convention resolves itself into Committee of the Whole. We are not in Committee of the Whole now. I do not believe it is the proper time to discuss the merits of these measures, but the question is which measure shall we take up in this Committee of the Whole.

THE PRESIDENT. I think the point is well taken.

MR. WOODBURY. I think it is well taken myself. I did not think the time had come to discuss the question, but as long as other gentlemen saw fit to discuss the question, I thought I ought to.

MR. LEE of Concord. As I take it, the amendment to the resolution of the gentleman from Ward 4 of Concord is an amendment to the resolution No. 5 in a new draft. Now that resolution no doubt was passed perhaps last June and presented here before this body, and I for one was a member, but I do not remember what that resolution was, and I think it would be nothing more than right to have that resolution read to every member of this Convention, so that they will know what this amendment is and what they are going to vote and act upon. I think there are lots of members here who do not really know what it is. I for one have to admit that I do not.

MR. SNOW of Rochester. Gentlemen, it seems to me that the question before the Convention at this time is a very simple one and ought not to be the occasion of discussion which will make for delay, because we are losing valuable time. The question is, shall we now take up and discuss resolution No. 5, which has been considered by your principal committee and favorably reported,—I say "principal" because it is a committee to which all legislative measures have been referred. Shall we take up this resolution and discuss it by itself, or shall we at the same time take up and consider three or four other different bills which are not supported by a report from a special committee? These several bills have not been considered in committee and reported, whereas the one which is the subject of the main motion has been considered by the appropriate committee and reported in favorably. Now my opinion is that it is difficult enough for this numerous body, to consider one thing at a

time. If we get into the Committee of the Whole with all the various taxation methods now suggested before us, for discussion, we shall be in a hopeless maze. We shall have no definite issue for consideration, and we will simply be fooling away our time. First one man will discuss for an hour timber taxation, then another man will discourse upon income taxation for a like period and then another one will follow with the discussion of inheritance taxation. You will thus have hopeless confusion. I submit, gentlemen, that the amendment should not prevail.

On a *viva voce* vote the negative prevailed.

The question being on the motion of Mr. Lyford of Concord.

On a *vive voce* vote the motion was adopted.

#### IN THE COMMITTEE OF THE WHOLE.

(Mr. Scammon of Exeter in the chair.)

MR. LYFORD of Concord. Mr. President, this amendment that is now for your consideration is a new draft of resolution No. 5, which you will find on page 64 of the Journal of the Constitutional Convention. That resolution provides that:

"the said General Court shall have full power and authority, regardless of the rule of proportion otherwise required in taxation, to impose and levy taxes on incomes of persons, co-partnerships, associations and corporations, including gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, business, trade, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any service whatever, and it may graduate such taxes according to the amount of incomes and may grant reasonable exemptions."

That resolution undertook to define what the legislature might do under an income tax amendment. Now, the amendment in the new draft comprehends that resolution because it says that the General Court "shall have full power and authority to impose and levy taxes on incomes from whatever source derived,"—that is all-comprehensive—"which taxes may be classified, graduated and progressive, with reasonable exemptions."

Now, this is an income tax amendment broad enough for the Legislature to act under it. The Legislature may, under this tax income of stocks and bonds and go no further. It may tax the salaries or the income from gainful occupations and go no further. It may tax the income on annuities and go no further. It may tax the profits from speculations in securities and go no further, or it may combine the whole. The object of this amendment is to give the Legislature the opportunity to levy a tax upon incomes according to the needs of the state. You are not legislating here on this amendment. You are not determining what the Legislature shall do under it, but you are giving the legislature authority to levy some form of an income tax.

MR. BRENNAN of Peterborough. And they may do nothing.

MR. LYFORD. And, as my friend from Peterborough says, the Legislature may conclude to do nothing.

Our income today under the property taxes and other taxes that we receive just about meets our expenses. It is maintained by some that, pursuing an economical policy, we might for a few years continue under the present methods of taxation and pay our bills without materially increasing the state tax. Of course the immediate increase of the state tax was due to causes arising out of the war. We would expect that the next legislature, if there were no changes in the Constitution, would be able to reduce that state tax to something near what it was normally before the war. But you have demands of educational interests for more money to be spent on that object. You have the demand for good roads, you have the demand for various measures of public interest, and one reason for the calling of this Convention, and I think the principal reason, was that the Constitutional Convention might provide a method for the legislature to acquire more revenue.

There is no reason why, to use simple illustrations, state officials getting salaries of \$2,500 or \$4,000 or \$5,000 a year

should not pay a tax on their incomes instead of contributing so much to every subscription paper that is automatically presented to state officials. There is no reason why my friend from Peterborough (Mr. Brennan) with his, we will say, \$10,000, income, from his law practice a year, instead of devoting all of that to philanthropy, as I know he does, except what merely sustains himself, should not contribute part of that income towards support of the state. There is no reason why a man with an income which he spends in purchasing an automobile and in pleasure riding, having an income sufficient to do those things, should not pay in addition to the license that he pays for running his automobile, and the tax that he pays upon it, a tax upon that income that gives him that opportunity.

These incomes, the tax on them, may have reasonable exemptions. The Legislature may exempt all incomes of \$1,000. They may make the minimum \$1,200, they may make the minimum \$1,500, or \$2,000, as they see fit, and then the tax would apply on the remainder of the income. This measure would also give the Legislature an opportunity, if it were discussing the income of stocks and bonds, to levy one rate of taxation on those incomes and another rate on the gains from occupations, and still another rate on the gains from annuities or the gains from profits derived in the speculation of securities.

There are other things that would come in. It is intended by this amendment to put it in the hands of the Legislature to levy an income tax according to the needs of the state, and by leaving it in the hands of the Legislature to make the rate what they please you can adjust the revenue from this income tax to the needs of the state. If our revenue is not sufficient from present sources to pay the bills of the state in the next few years, you can then increase that revenue under the operation of bills passed under this amendment. It is all-comprehensive. It is left to the Legislature to act under this amendment, and it should be so left. And I say again that in considering this amendment you are not considering some specific proposition before the Legislature, but you are considering whether you will give the Legislature authority to act by taxing incomes. Mr. Chairman, I will not at this time weary the Convention with any discussion or further discussion of the operation of this amendment, but I may desire to answer some things that are stated, or to explain some things.

MR. BROWN of Manchester. Mr. Chairman and gentlemen of the Committee: It was and is my purpose to discuss nothing in this Convention except some matters relating to taxation, which I conceive it to be my duty to speak upon briefly. When a man says he will talk briefly, he is commonly laying the foundation for a long speech. It will not be so in my case, I assure you.

For the first time I am really and actually in favor of an income tax, and my conversion is due to the course of events in the last few years. We have been rapidly approaching what I conceive to be the limit of endurance so far as the general property tax is concerned. I think we cannot go much farther. Doubtless we might get along for a while, perhaps for several years, without an income tax, but I am firmly of the opinion that it would be unwise to take the risk.

Now, property in this state is assessed at approximately its full value. Notwithstanding this fact the average rate of taxation throughout the state for the present year is \$2.28 on the hundred dollars, with some towns running very much above that. The City of Manchester is among the lowest places so far as the rate of taxation goes. This is due to careful government in years past and to a full valuation of the property at present. The 1919 rate is \$2.06.

You all know, gentlemen, that the farmers as a class are paying all they can afford to pay. I will not say paying out of proportion, because I do not believe they are, but they are paying all they can afford to pay today. It would be a great hardship if they were to pay more. Many of them pay their taxes in instalments because it is not easy to get the whole amount together at one time.

The small property owners in the cities—those people who own residences worth not more than \$10,000, all open to the view of the assessors,—are paying all they can afford to pay. So also are the men who own the more valuable classes of real estate. I have had something to do with this matter of valuation and taxation myself in the way of observation and examination.

I sometimes look back to the time when I worked on a farm in the summer, in the woods in the winter and in a sawmill in the spring and fall, to the time when I made shoes by hand, and then lasted shoes and ran a beating-out machine in a shoe factory, to the time I went to take my entrance examinations

at college with \$14 in my pocket and no money anywhere else, to the time I taught school, to the time I practiced law, and upon my career as a public servant, and I wonder if in it all from the standpoint of personal comfort and satisfaction there was anything worth while to me as an individual. But it was worth while, and it is worth while to me, to be treasurer of the Amoskeag Savings Bank, caring for the small savings of 30,000 people, mostly those in moderate and poor circumstances, in the State of New Hampshire.

Gentlemen, those 30,000 people own a good piece of property in Manchester—the Amoskeag Bank building. It is assessed upon a valuation of \$650,000. It is assessed for every cent it is worth. It is assessed for more than it could be sold for, at least without great effort. It is assessed for more than it pays a fair income on. And on this \$650,000 those small owners are this year paying taxes at the rate of 2 6/100 per cent.

This last class of property holders cannot afford to pay any more than they are paying. They are not paying more than their share, but they cannot afford to go any farther, any more than the owners of other classes who are paying their share can, and I think the thing for us to do is to seek some source of revenue that we have not yet tapped. The thing that comes to my mind first—and I want to say I am in favor of a general income tax law, I am in favor of the resolution that is now before this convention—but the thing that comes to my mind first is a tax on the income derived from intangibles, and I have some myself, though not so many as I would like.

Now, in New Hampshire as a practical proposition all corporate stocks are entirely exempt from taxation, and all credits, including bonds, can be offset by interest-bearing indebtedness. Wise people of course see to it on the first day of April they are owing as much money as is owed to them. My estimate is that we do not get a tax on more than 5 per cent of the intangibles in the state. How many securities there are nobody can tell definitely until some way is devised to reach them, but the tax experts in other states, in New York for instance, have a rule of thumb according to which the value of the intangibles is reckoned to be three times the value of the real estate. I do not believe that is true in New Hampshire, but I do believe the amount of intangibles owned here would surprise you and surprise me if it could be stated today.

The people who own them have the advantage of our schools, our streets, our lights, our sewers, our police protection and all that sort of thing, and pay nothing in most cases and next to nothing in all other cases, on account of their intangible wealth. Indeed, a great many people own nothing but intangibles and escape taxation altogether. Now, under the tax proposed we could get at the income from stocks and bonds and would get at it.

You should not want to tax stocks and bonds at their full value because the property they represent pays a tax upon its full value. Take the Amoskeag Manufacturing Company at Manchester, for example. It pays a tax upon its real estate, upon its stock-in-trade and upon all its other taxable property, and it should not of course pay another tax thereon through its stockholders. A deduction for taxes is made from corporate earnings before they are distributed in dividends. It would be manifestly unfair to make a like deduction after distribution. There should be some deduction, however, on account of the protection afforded, as already stated.

But perhaps I am getting far afield. I want to keep my promise to the Convention and simply to say that I am in favor of the measure that is now before it. I think it is just to everybody, and I think it will open a way to the additional revenue that seems to be necessary for schools, for highways and for other purposes. And it will, I trust, in some degree relieve the real estate and other tangible property that is now taxed so high.

I thank you.

MR. CHASE of Manchester. Mr. President, I do not wish to take up your time. I think it is a good opportunity to bring a concrete example before this body bearing out what President Brown has said. I will not call any names, I will not state the year.

Here is one: A gentleman who died a few years ago, his tax bill the year that he died was \$96.87. The tax bill for his estate the next year was \$784.46, a difference of \$687.59. This gentleman was well known throughout the state. If I were to mention his name I doubt if there is anybody on this floor but what would know him, either personally or by hearsay.

Another gentleman: A man who was in business, a man who was a director of more than one corporation, the year that he

died his taxes were \$1,550.84. The next year the tax bill for the estate was \$13,049.39, a difference of \$11,498.55.

I venture to say there are thousands of similar cases, not as large, but in the aggregate would amount to a large sum. Now, if this measure could get at some of that property, I would be heartily in favor of it.

MR. LEE of Concord: Mr. President, I am pleased to come here and second the resolution presented by the gentleman from Ward 4 (Mr. Lyford). Since I have been a member of the legislature I have been trying to see if there could be some way to get at the class of people who have been living on the income from intangibles all their lives. Really the class of people who have been living on such incomes, is the class of people who want to run your cities and towns and your state, but there never has been a law where they could be reached in regard to paying their just share of taxation. Every selectman of any town and every assessor of any city or town will bear me out when I say that very few of these people have ever handed in their incomes to be taxed, where they have the principal invested in intangibles.

Mr. Chairman, this resolution is one in the right direction and I hope that it will try to make some of these people, who are living in that way, honest, and that they will be willing to pay their honest taxes and they will hand in to the city or town in which they live, the property they should list for taxation, because that class of people are the ones who are getting the benefit. As the president of this Convention says, they are getting the benefit of our schools, our highways, our water and our fire protection and everything else. Some of them do not even own the homes they live in, but they have two or three servants waiting on their families and have two or three automobiles and a chauffeur to help them take life easy.

The gentleman who has just read some figures, no doubt had reference to people in his own town or his own neighborhood. Why, gentlemen, if I were to mention some in the City of Concord you would be thunderstruck, you would not believe it. You would be amazed. But I am not here exposing anyone who has died and left incomes of that kind, but we all know of the existence of such incomes.

But let us look at it in a fair way, let us look at it in a good way. Are those people to blame for doing what they have



done? They are the best class of people in your state today. Every one of them, no doubt, has been perjuring himself year in and year out. But, gentlemen, when we stop to consider what they have done we will have to admit that the law has been such that we have made perjurers out of them. When you consider the tax rate of Concord, I think it is \$2.87 today, that when a man has a bond and only getting  $3\frac{1}{2}$  or  $3\frac{3}{4}$  or 4 per cent out of it, just imagine the amount of money he would have to have to live on today. I am pleased to think that this resolution is put in here to see if we can get an income from this source. I take it that if you go to work and take a man who has a thousand dollar bond and tax it  $\frac{1}{2}$  per cent, that would mean only \$5 he would have to pay on every thousand. No doubt in that way we can make him honest. In fact, he might put in part of it and some of them might put in the whole of it. I am pleased to think that the president of this Convention, who is the chairman of our Tax Commission, has come around to think the way that I have been advocating ever since I have been a member of the legislature, I want to make this class of people, who have got intangibles, pay their fair share of taxes.

Therefore, Mr. Chairman, I am pleased to think that a resolution of this kind has been presented before this Convention, because I think it will be one of the best that has ever done for the tax payers of our state, especially the farmer and the man who has his money invested in real estate, and the merchant who is doing business today.

Mr. Newell of Alstead offered the following amendment to Resolution No. 5 in new draft, Resolution relating to Taxation:

Amend by adding at the end of the resolution the words, "And may levy all taxes in like manner."

The question being on the amendment offered by Mr. Newell of Alstead:

MR. NEWELL of Alstead. Mr. Chairman, I believe that an income tax is the fairest tax that can be levied, because it can be levied on those who have the ability to pay it. If a farmer is prosperous and has a good year he has money to pay an in-

creased tax. If, on the other hand, he is unfortunate he does not have the money to pay it. Then it would be levied and if at the time of paying it he has no income he can pay no tax.

Also, I think this would level up taxes, but now we have double taxation. If a farmer buys a farm and pays part of the money down and borrows the rest on mortgage, under our present tax laws he has to pay all the tax, and the man that holds the mortgage pays none. Under an income tax law he would pay on the income that he has after the interest on his mortgage is deducted. It seems to me it would be the fairest form of tax. The word "proportional" I think should be in the Constitution. I think every one has a fixed idea that his neighbor ought to pay just the same tax that he pays himself. Under our present form of taxation we do not have to. We have now two forms, and no income tax. There are three forms of taxation: Taxation of property and taxation of polls on those who do not have property, and then we have the tax on incomes. It seems to me it would be much simpler to raise all our money by one straight form of taxation, and that would be proportional to all.

MR. LYFORD of Concord. May I just ask the gentleman a question? I am asking for information; I may be in favor of the amendment. But would not this amendment virtually open the door just as a general proposition would, so that the Legislature could tax any way it wanted to?

MR. NEWELL. Why, I don't see why it doesn't mean that they would be obliged to raise all taxes in like manner, on incomes. That was my idea, to raise all taxes on incomes instead of on property, polls and other matter.

MR. LYFORD. Have you considered further where it would leave us?

MR. NEWELL. I think I have, yes.

MR. BRENNAN of Peterborough. Mr. Chairman, I would like to ask the gentleman this question. Under this provision would not annual assessments on income take care of each one of the different classes that you speak of?

MR. NEWELL. I think it would, yes.

MR. BRENNAN. Well, that is just what this is doing, as I understand it.

MR. NEWELL. As I understand the gentleman in that talk, we are already raising money under two forms and they want to add another rate in another form, making three forms of

taxation. It seems to me a straight income tax would be fair taxation, would be proportional, and would adjust taxation, and make the burden evened than it would under three different forms. As I understood the gentleman from Concord, the idea was principally on larger incomes. Now there are no people that haven't a small income, but under our present form of taxation the only way to get at those with small incomes is by a poll tax—those that have no property. It seems to me they should all pay a tax according to their income, and if all the money that is raised for the support of the State is raised on income solely the tax would be proportional and the burden would be adjusted in a more even manner than it would under the present form. If this is adopted as additional taxation, as I understood it, you would pay poll, property and income tax, three different forms of taxation on the people.

On motion of Mr. Lyford of Concord, the Committee of the Whole took a recess for one hour and thirty minutes.

#### AFTER RECESS.

The question being on the amendment offered by Mr. Newell of Alstead:

MR. HOYT of Hanover. Mr. Chairman, I would like to ask a question either of you or of the Committee. I want to ask how we understand it, if this resolution is passed, as to how it is to be voted on. Is it to be voted on with the other resolution? I understood Mr. Brennan, perhaps I made a mistake, that if this resolution was passed it virtually took in the other resolution. There are many here today, I think, that are willing to vote for an income tax, but they do not wish to have the taxation of timber brought in with the income tax. We want to know before we vote.

MR. LYFORD of Concord. Mr. Chairman, I am very glad, if there is any doubt about that question, to answer the gentleman's question. This has no relation to the amendment classifying growing wood and timber. It is an entirely separate proposition.

MR. SNOW of Rochester. Gentlemen, in my opinion this amendment should not prevail, for three simple, distinct reasons.

MR. LYFORD of Concord. What amendment?

MR. SNOW. The amendment which the Chair has just stated, offered by Mr. Newell from the town of Alstead. First, the language of the amendment does not mean what the gentleman says he means. The amendment reads, after providing for an income tax which may be classified, graduated and progressive, as follows: "and may levy all taxes in like manner." Now, that means, if we take the language as it reads, not that we will part with any of our subjects of taxation, but that all taxation, whether it be upon timber, houses, money, or what-not shall be upon property which may be classified, graduated and progressive. In other words, the tax upon your buildings may be classified, graduated and progressive, whatever that may mean. The tax upon your timber may be classified, graduated and progressive, whatever that may mean. The tax upon your bonds and your stocks may be classified, graduated and progressive, and so on through the category of the different authorized subjects of taxation.

Now, the gentleman says he does not mean that. He says that he means, as I understand from him, that the income tax shall take the place of all other forms of taxation. So, first, I say it should not prevail because it does not mean what he says.

Second—and I will be brief—if it means what he says, we certainly do not want it. We have for a hundred years gone along without an income tax in this state. The people have been slow in coming to the realization that they need an income tax at all, and I am sure we have not all of a sudden, in the midst of this convention, become enamored, and so enamored of an income tax that we want to throw down every other form of taxation for it. So much for the second reason.

The third reason that I offer is that if we desire to abandon all other forms of taxation and desire to have simply an income tax, it can be made the subject of a separate amendment. It is open to the gentleman from Alstead to introduce a resolution for a separate amendment if he deems it necessary to accomplish his purpose, and it can come before this Convention in an orderly manner. It should not be entertained at this time to the peril of the principal proposition for which this Convention was called. Therefore, gentlemen, I say for three reasons, any one of which is sufficient, the amendment should not prevail.

On a *vive voce* vote the amendment was not adopted.

• MR. PILLSBURY of Londonderry. Mr. Chairman and members of the Convention: In the four conventions which it has been my pleasure to occupy a seat I have never experienced that satisfaction that I have had this morning when I could see the great leaders of the great Republican party, who have for years fought an income tax, who have considered a man a heretic who believed in an income tax, find conditions such that justice and fairness and equity demanded that an income tax be allowed in this state. I am glad, because I have spent more hours and more time speaking for an income tax on the corners and highways of this state than any man in it, because I believed it was just and in the interests of humanity. I have perhaps come nearer being crucified for that than any one other ism that I have advocated, but they have all practically been incorporated into the statutes of this state, and I am glad to know that my friend over here from Ward 4, Concord, is in favor of it, and that the gentleman who started from the farm boy down in the town of Northwood, who has worked his way up as advocate and counsel of the great Amoskeag corporation, has, when he became treasurer of a corporation of 30,000 depositors of the money of the state of New Hampshire, the hard-earned earnings, found that it was necessary that those depositors and the farmers and the business men and the owners of the little homes should be protected by an income tax on wealth that is being hidden. It is a fair proposition. It has always been a fair proposition. It is a proposition that any man who was not looking through gold dollars should have seen twenty years ago. It is a proposition that the United States has incorporated into its taxation laws. It is a proposition that there is not an honest man in this Convention will stand up here today and oppose, and I am glad the day has dawned and that the leader of this Republican party, the man who is delegated as the next governor already, as soon as the ballots are counted, will stand up and say that an income tax is an honest tax, is a just tax, is a tax in the interests of humanity. I believe we are ready here today to offer to the next legislature of this state an opportunity to place an income tax in the statutes of this state, and I hope there will never be a voice raised against it, and I do not believe there will be in this Convention.

MR. LYFORD of Concord. Mr. Chairman, if the views of the gentleman from Londonderry are correct and there are no opponents of this proposition, I move that the Committee do now rise and report that this resolution be adopted by the Convention.

The question being on the motion of Mr. Lyford of Concord:

MR. TOBEY of Temple. I have no desire to be an "off-horse" in this Convention. I represent a small town, and I have believed in an income tax for a good many years, but there are some things I deprecate in the conduct of this Convention. I deprecate, first of all, bringing in here the making of political candidacies of any man or party. I deprecate men on the floor of this Convention going around with memorandum books and pencils, trying to find out who will support and boost this man for Senator or that man for Senator.

We do not come here for any man's political candidacy. We come here to consider proposed amendments to the constitution of New Hampshire. We are here in a fiduciary capacity for the men in the mills, the men back in the farms, the men in the towns who cannot speak for themselves.

The gentleman from Concord, Mr. Lyford, moves that we now rise and report this resolution favorably. I think the time may well come when that motion will be in order. I do not think it is at the present time. Here is a very important matter, of far-reaching import to the people of New Hampshire of all classes, and we are putting this thing through too fast. We have not had elucidation enough of the principles of an income tax. We ought to have something before us, as to how it has worked in other States, something definite and concrete in figures and facts, so that the rule of reason may prevail, as we consider together. But I do not think we have had that so far. We have not had an illustration of the income tax, we have not had an illustration of State finance, that will warrant our acting hastily in this matter. I submit to my fellow members, the delegates in this Convention, that we can well let this matter rest for a day and get further light on this subject. Let the matter be laid on the table until tomorrow and take up something else for consideration at the present time. I think we are too fast on this motion of Mr. Lyford,

that we now rise and report this resolution favorably at this time. Many men want more light on this question, let us give it to them, with facts and food for thought. Go slowly about this matter, and then let us have all the light and all the facts and all the open-minded dealing that we can. Let us forget who is for this office and who is for that office. We will settle that later on, but that is not our function at the present time, as I understand our purpose here. I thank you.

MR. METCALF of Concord. Mr. President, Gentlemen of the Convention: I think with my friend the delegate from Temple (Mr. Tobey), that my friend the delegate from Ward 4 of Concord (Mr. Lyford), who is a very useful member of all conventions and all legislative and all other gatherings of which he is a member, is getting a little fast when he moves that the Committee now rise and report this resolution favorably. I think it ought to be considered a little further, and, according to my idea, it ought to be amended, and I propose to offer an amendment and give my reasons to some extent why I offer it.

MR. LYFORD of Concord. If the gentleman will yield to me a moment.

MR. METCALF. Certainly.

MR. LYFORD. My motion was predicated upon the statement of the gentleman from Londonderry (Mr. Pillsbury) that there was no opposition to this amendment. If there is opposition or if there is a desire to amend or to offer amendments, I withdraw my motion.

THE CHAIRMAN. The motion of the gentleman from Concord, Mr. Lyford, is withdrawn.

MR. METCALF of Concord. I am not going to oppose this resolution. I have come to that state of mind where I believe in an income tax. Time was when I didn't have anything on earth but an income, and that was very small, not large enough to be taxed under any ordinary circumstances. The time has come now when I have no income whatever. I have a very small amount of property. I have a comfortable little residence in which I live, and, as was shown by the distinguished president of this Convention, the gentleman from Manchester, for whom, although the gentleman from Temple (Mr. Tobey) does not want candidacies discussed, I will take the liberty to say, so long as the subject has been broached, that if I were unfortunate enough to belong to his party I should probably vote in the primary for him for Governor.

I am glad that he has shown up the manner in which the burdens of taxation fall upon some of us poor creatures. I do not go so far as the gentleman from Alstead (Mr. Newell), who would have an income tax and nothing else; he would not have any property tax at all. I am willing, if I can contrive some means—and I possibly can if I live and have my health—to pay a small tax on the little amount of property I own. I am willing to pay a small property tax, but I do believe that incomes should be taxed. I believe in that principle. I believe, as the late lamented Frank Jones used to say, that an income tax is the fairest tax that can be imposed, and he was pretty fair when he said it for he had the largest income of any man in the State at that time. I believe incomes should be taxed. I would not leave it to the sweet will of any Legislature to say whether they should be taxed or not, as this amendment does, if I read it aright. It says:

“Provided, further, the said General Court shall have full power and authority to impose and levy taxes on incomes from whatever source derived, which taxes may be classified, graduated and progressive, with reasonable exemptions.”

Now, if this amendment is adopted and submitted to the people of this State, and is by them ratified, as it undoubtedly would be, it would be up to the Legislature to do just as it pleased about levying an income tax, and I do not want to see that situation arise. I believe it should be incumbent upon the Legislature to impose an income tax to some extent. Consequently, Mr. Chairman, I wish to move an amendment, to strike out of this resolution as it stands the words, “have full power and authority to,” so that it shall read:

“Provided, further, the said General Court shall impose and levy taxes on incomes from whatever source derived, which taxes may be classified, graduated and progressive, with reasonable exemptions.”

Now, I have had some little experience in legislation. I never was a member of a Legislature, I was never even a candidate for a member of the Legislature, and if I had been a candidate it would have been of no use, for I have always belonged to that party which had no practical voice in determining the affairs in my ward and town. But I have been around legislatures, I have seen how they are manipulated. I



have seen my friend, the gentleman from Ward 4 (Mr. Lyford) when he was a member and when he was not a member, and I have known how he conducted affairs—the most influential man in the State of New Hampshire in and around the Legislature, whether he is in or out of it. No question about that; nobody will dispute it.

Now, suppose this should be up to the Legislature. Suppose this amendment passes, and the Legislature is empowered, but not instructed, to levy an income tax. Here is my friend from Ward 4 with an income of \$3500 or so from salary, and as much more from other sources—I don't know how much—but a large amount without a doubt, from the valuable amount of work he does for various and sundry institutions and agencies. I suppose his income is \$10,000—as much as that of my friend from Peterborough, Mr. Brennan—who, as the delegate from Ward 4 says, has an income of \$10,000 from his practise. I think perhaps more.

MR. BRENNAN. Reckoned on the same basis?

MR. METCALF. Never mind—I don't know.

MR. BRENNAN. You are helping my credit.

MR. METCALF. Suppose the proposition to levy an income tax should be before the Legislature, and they were simply authorized but not instructed, if this proposition should come before the Legislature—the proposition to impose an income tax—I am tremendously afraid that gentlemen like my friend from Ward 4, the chairman of the Legislative committee and of the Bank Commission, would find means to influence that Legislature, and he has found means to influence all legislatures in the past, since the time when the memory of man runneth not to the contrary—would contrive means to influence the Legislature against the imposition of any income tax. I fear he would. But if he did not, if he should consent to be taxed, if he should really wish to be taxed upon his income, there are interests in this State, as is the case in all states, great powerful interests, that are always extensively and powerfully represented in legislatures, who would be strongly opposed to anything of the kind. I do not believe it would be possible to secure the imposition of an income tax in New Hampshire if it is simply left at the will and discretion of the Legislature. I think it should be provided that an income tax of some description, at least to some extent, should be imposed, and consequently, Mr. Chairman, I offer this amendment.

Mr. Metcalf of Concord offered the following amendment:

Strike out the words "have full power and authority to" in lines one and two of the resolution.

The question being on the amendment offered by Mr. Metcalf of Concord:

MR. BRENNAN of Peterborough. Mr. Chairman: I do not believe that my friend from Ward 7 Concord intends to intimate to this convention that the gentleman from Ward 4 Concord—with whom I differ very materially on very many things—has attempted to influence this convention or has influenced the Legislature in any improper manner. I am sure he does not intend to give any such impression. I have been associated with the gentleman from Ward 4 on Committees and in three sessions of the Legislature, where he has indeed had an influence in both, but my experience has been that it is a helpful influence in the interests of the state, and, while I often disagree with him politically and otherwise, I recognize the fact that he has in those legislatures and in this convention an influence, and a mighty good influence, I may say, too. He works hard and diligently in the interests of orderly progress and I would not have the possible wrong impression go abroad. I am satisfied my friend from Ward 7 does not intend that.

I believe now and always have believed, with my friend who has last spoken, in the justice and wisdom of the income tax. In this I venture to say most of us now agree. I question whether it is good policy to make its adoption compulsory on the Legislature. I believe that this matter can be safely left wholly with the Legislature, because I have great confidence in the wisdom of that body, and, while I can conceive a time when it would be absolutely oppressive and wrong to impose such a tax when the demands of the Federal government might be too burdensome, there may be times when it could be reasonably imposed. The Federal Income Tax, which of course takes precedence over any State Income Tax, might conceivably at times be such a heavy demand on our people that our Legislature would not find it just or wise to add to the excessive burden an additional State Income Tax, such a situation is possible. The State Income Tax must be subordinate to the Federal In-

come tax, but upon a reduction of the latter, the adoption of the former might be found to be advisable and proper.

It is possible that our Legislature in its wisdom may not find it necessary to impose such a tax, but if it becomes necessary the power should exist. Under present conditions and with the present necessity of further sources of income for our treasury, it may be found advisable to impose such a tax because I believe those corporations and individuals who have great incomes can well afford to pay and in consequence of the greater benefit derived, should pay, in addition to the Federal Income Tax, a like reasonable state tax; hence I favor giving the Legislature the power to impose an income tax when necessary and advisable and thus open a new source of relief to our overburdened smaller tax payers.

MR. METCALF of Concord. Mr. Chairman, I rise to a question of personal privilege.

THE CHAIRMAN. What is the question of personal privilege?

MR. METCALF. I want the privilege of an explanation. I think my friend, the gentleman from Ward 4 of Concord, misapprehends me. I did not mean to intimate that he ever wrongfully influenced the Legislature of New Hampshire or any one of the three, four or five or half a dozen constitutional conventions of which he has been a member. I do not think he ever did it. I have said many a time that I regarded the distinguished chairman of the bank commission as not only one of the ablest and most efficient men in the State of New Hampshire, but one of the most worthy public servants. I think he has done a great deal for the state in the legislature and out, but I did suggest that if the time came when the Legislature should have up this question of imposing an income tax, and he being in possession of a large income, like my brother from Peterborough, who has also been a self-sacrificing public servant and done a great deal of public good for the State of New Hampshire and the country at large, that both of them might, under the influence of that big income, that large financial interest, be led to influence the Legislature against the interests of the state. I do not know that they would, I do not say that they would, but I want to make sure that no man and no institution can influence the Legislature against the imposition of an income tax, for I believe we ought to have one anyhow, whether it be larger or smaller.

On a *vive voce* vote the amendment was not adopted.

MR. DUNCAN of Jaffrey. Mr. Chairman, I expect that I shall vote for this amendment, because I cannot consistently vote against any proposition to increase the power of the Legislature over taxation, as I indicated this morning. I am not so much convinced of the wisdom of an income tax from an observation of its workings in other parts of our country, but I believe in letting these propositions have a chance. An income tax today seems to be popular, and it is probable that the only way we shall ever find that an income tax is not the best method of taxation, if it is not the best—and I do not say it is not—is by trial, and that seems to be the next step for us in New Hampshire as the things are laid out—an income tax.

I did not support the amendment of the gentleman from Alstead (Mr. Newell) to allow this income tax to be the sole source of revenue ultimately for the State, because upon the most careful reading of the amendment as now before us there seems to be no reason why that can not be carried out under the present resolution.

“The General Court shall have full power and authority to impose and levy taxes on incomes, from whatever source derived.”

No limit on the power of the legislature to impose an income tax. Under the Constitution as at present interpreted by our courts all property under the general property tax must be taxed the same as other property, or exempt. That is, it must be taxed at full value or not taxed at all. Now, the gentleman from Alstead (Mr. Newell) was advocating the substitution of an income tax for a general property tax, not right off, but with that end ultimately in view, and under the present proposition I see no reason why the Legislature cannot as time goes on progressively exempt certain classes of property from present taxes and tax the incomes. So, if we adopt this proposition, we shall have it in the exact form which the gentleman from Alstead believes in.

It may be well for us to ask, however, how the income tax is going to work, and from study of the experience of some other taxing centers, taxing communities, in the United States we will discover this, that an income tax to a great extent is an incentive to heavier appropriations. I am informed in Massachusetts since they have had the income tax that it is the habit of the Legislature to make appropriations to their

heart's content, then when they come to fix the tax they decide upon the highest rate that they think the general property can bear and assess the rest upon incomes.

Now, that may be right. I am not saying that it is not right, but that is one of the reasons why I am doubtful of the permanent success of an income tax, because it is a constant incentive to extravagance on the part of the Legislature, I believe.

It may be well for us to consider for a moment what an income is and what a tax is, because this morning we were shown by the president of this body, or I at least was led to believe that there might be some magic in an income tax which would pluck some revenue for the state out of places where it would not be very burdensome. Now, that may be so, but let us see what an income is. An income is the product of labor applied to land. There is no wealth, no income, derived except from the application of the labor of man to a natural resource of the earth. Now, as to all incomes coming from that source, it does not make any great difference to us where we take a bite out of that income, out of that wealth, in the long run it will simmer down to about the same people, come from about the same people. And so we come to another axiom of economics, which is that where a general property tax is in force the tax will tend to distribute itself to the ultimate consumer. The person who pays the tax to the tax collector, whether he be the state treasurer, the treasurer of the United States or the town tax collector, is simply a tax payer on his own account to the extent that he is an ultimate consumer of food, shelter, clothing, medicine and articles for his own use for pleasure. All the taxes on things beyond those which a person uses for himself or his family are distributed to the ultimate consumer.

Now, that may be a strange statement to you, if you have never thought of it in that connection. For instance someone said this morning the only way to get at a man with no property was by an income tax. Well, suppose a man with no property lives in a rented house; who pays the tax on that rented house? Does the owner of that house pay the tax, or is he a deputy tax collector collecting it from his tenant and paying it over as a deputy to the state for the expenses of the government? I am a clothing dealer, we will say. I am not, but suppose I am; who pays the taxes on my stock-in-trade? The men who buy my clothing. And the man who buys a suit

of clothes from me may never be called upon in his lifetime to step up to the tax collector's office and pay a direct tax, and yet he is paying a share of my taxes. And so every tax levied against the product of labor, whether you call it a direct tax, whether you call it an income tax, or whatever tax you call it, rests upon the ultimate consumer of these things that I have mentioned.

As I say, I shall vote for this income tax proposition on general principles of extending the power of the legislature. If I were in the legislature I might vote for an income tax, because that may be the next thing that we must try out in this experimental melting pot of Government of ours, but I do not expect that an income tax will be successful, except temporarily.

On motion of Mr. Kenison of Ossipee that the Convention do now arise and recommend that Resolution No. 5 in new draft, Resolution relating to Taxation, be adopted by the Convention, the affirmative prevailed.

#### IN CONVENTION.

(The President in the chair)

Mr. Scammon of Exeter, for the Committee of the Whole, to whom was referred Resolution No. 5 in new draft, Resolution relating to Taxation, having considered the same, reported the same with the recommendation that the amendment as proposed in the resolution be adopted by the Convention.

The report was accepted, and the question being on the adoption of the recommendation of the Committee,

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Lyford of Concord, Resolution No. 5 in new draft, relating to taxation, was referred to the Committee on Time and Mode of Submitting to the People the Amendments Adopted by the Convention.

REPORT OF COMMITTEES.

Mr. English of Littleton, for the Committee on Assignment of Rooms, reported with the recommendation that the following rooms be assigned to the several committees as follows:

Legislative Department—Senate Chamber.

Bill of Rights and Executive Department—Educational Department—Tax Commissioners' Rooms.

Judicial Department—Room 153.

Future Mode of Amending the Constitution and Proposed Amendments—Room 156.

Committee on Rules—Room 184.

On Finance—Room 105.

On Journal—Room 109.

Room 100—Reserved for hearings assigned by the President.

Committee on Permanent Organizations—Room 114.

On Time and Mode Submitted to the People Amendments Adopted by the Convention—Room 107.

Elections—Room 120.

On a *viva voce* vote the recommendation of the committee was adopted.

On motion of Mr. Lyford of Concord, the Convention adjourned at 4.20 o'clock.

AFTERNOON.

The Convention met according to adjournment.

On motion of Mr. Lyford of Concord, the Convention adjourned at 4.22 o'clock.

THURSDAY, JANUARY 15, 1920.

The Convention met at ten o'clock in the forenoon, according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal of the preceding day having begun,

On motion of Mr. Haslet of Hillsborough, the rules were so far suspended that the further reading of the journal was dispensed with.

LEAVE OF ABSENCE.

Mr. Beal of Plymouth was granted leave of absence for the remainder of the session on account of illness.

RECESS.

On motion of Mr. Lyford of Concord, the Convention took a recess for one hour.

AFTER RECESS.

Mr. Charles W. Buzzell, Doorkeeper, of Laconia, appeared and qualified.

Mr. Dean of Danbury introduced the following Resolution—Resolution No. 28:

Resolution Relating to the Senate.

*Resolved*, That Articles 24 and 25 of the Constitution of the State of New Hampshire shall be, and hereby are, amended to read as follows:

ART. 24. The senate shall consist of thirty-six members, who shall hold their office for two years, from the first Wednesday of January next ensuing their election.



ART. 25. And that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into 36 districts of contiguous territory, as nearly equal as may be, without dividing towns and unincorporated places, on the basis of population according to the last census of the United States, or of this state.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

Mr. Dean of Danbury introduced the following resolution—Resolution No. 29:

Resolution Relating to the House of Representatives.

*Resolved*, That Articles 9 and 10 of the Constitution of the State of New Hampshire shall be, and hereby are, amended to read as follows:

ART. 9. There shall be, in the legislature of this state, a representation of the people biennially elected, and founded upon principles of equality, and in order that such representation may be as equal as circumstances will admit, every town or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state taken by authority of the United States or of this state, may elect one representative; if 2,400 such inhabitants may elect two representatives, and so proceeding in that proportion, making eighteen hundred such inhabitants the mean increasing number for any additional representative; *provided*, that no town shall be divided or the boundaries of the wards of any cities so altered as to increase the number of representatives to which said town or city may be entitled by the next preceding census.

ART. 10. Whenever any town, place or city ward shall have less than six hundred such inhabitants, the general

court shall authorize such town, place or ward to elect and send to the general court a representative such proportionate part of the time as the number of its inhabitants shall bear to six hundred, but the general court shall not authorize any such town, place or ward to elect and send such representative except as herein provided; and *provided further*, that the legislature may authorize contiguous towns or contiguous towns and wards having respectively less than six hundred inhabitants, but whose inhabitants in the aggregate equal or exceed six hundred, to unite for the purpose of electing a representative, if each town so decides by major vote at a meeting called for the purpose, and the votes of towns thus united shall be cast, counted, returned, and declared, as the votes for senators are cast, counted, returned and declared, and the governor shall, fourteen days before the first Wednesday of each biennial session of the legislature, issue his summons to such persons as appear to be chosen representatives by a plurality of votes, to attend and take their seats on that day.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

#### COMMITTEE REPORTS.

Mr. Spaulding of Manchester, for the Committee on Legislative Department, to whom was referred Resolution No. 2, Resolution relating to the Powers of the General Court; and Resolution No. 20, Resolution to confer upon the General Court the Power to Impose and Levy reasonable Assessments, Rates and Taxes, and to Classify the subject of Taxation, having considered the same, reported the same without prejudice.

The report of the committee was accepted and its recommendation adopted.

On motion of Mr. Lyford of Concord, the Convention resolved itself into the Committee of the Whole for the purpose of considering Resolution No. 2, Resolution relating to the Powers of the General Court, and Resolution No. 20, Resolution to confer upon the General Court the Power to Impose and Levy reasonable Assessments, Rates and Taxes, and to Classify the subject of Taxation.

IN A COMMITTEE OF THE WHOLE.

(Mr. Barton of Newport in the chair)

MR. UPTON of Bow. Mr. Chairman and Gentlemen of the Committee: It is with something of hesitation that I undertake to open the discussion of the two proposals that are before the Committee of the Whole and now under consideration. The proposition of taxation is one in which as a convention you are of course all interested, and I perhaps am not far wrong in thinking that all of you desire at this Convention to accomplish something toward a revision of the Constitution in the matter of taxation. It is true that there may be differences of opinion as to what should be accomplished or what should be proposed by this Convention to the people of the State. The two resolutions which are before this Committee are similar in nature and yet somewhat different. The resolution proposed by the gentleman from Woodstock (Mr. Woodbury), Resolution No. 2, looks to the conferring upon the General Court of a broad power in the matter of taxation, and with not so much restriction as is embodied in Resolution No. 20. However, I am not afraid of Resolution No. 2, although I have introduced No. 20 because of Resolution No. 2, if it should become a part of the fundamental law of this State, would not leave us without protection so far as legislative action is concerned.

We have in the Federal Constitution, by the several amendments, provisions that no State shall deprive any citizen of the equal protection of the law. Again, we have in the Federal Constitution a further provision that no citizen shall be deprived of his property or rights without due process of law. So I believe if the resolution which is offered by the gentleman from Woodstock should be adopted and proposed to the people of this State as an amendment to the Constitution it would in no

way menace the rights of any individual residing in the State of New Hampshire.

But the resolution which I have drawn is a little different in form, and looks to the carrying through into the Constitution of various restrictions upon the legislative power. And so, by way of preface to what little I may have to say on this matter, I will refer to Resolution No. 20 and call attention first to the changes which it will make in the Constitution.

The resolution relates directly to the legislative department. It applies to Part 2, Article 5 and Article 6. In Article 2 the only changes made are to strike out the words "proportional and," and the further words "upon all the inhabitants of, and residents within, the said State, and upon all estates within the same." And as amended that part of the Constitution which is changed in this Article would read as follows:

"And to impose and levy reasonable assessments, rates, and taxes, to be issued and disposed of by warrant under the hand of the Governor of this state for the time being, with the advice and consent of the Council, for the public service."

Under this Article, if amended, the Legislature would have the power to impose and levy reasonable assessments, rates and taxes. The word "proportional" is taken out, but the word "reasonable" remains, and the word "reasonable" is an important word when we have to consider the power of the Legislature in the matter of taxation.

Article 6 is amended in its entirety by the substitution of a new article, and the new article would read:

"The public charges of government, or any part thereof, may be raised by taxation. The subjects of taxation may be divided according to their kinds or value into classes differently taxed. Taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax."

I think it is true that the tax experts today are generally agreed that the power to classify subjects of taxation is very necessary to the Legislature in the exercise of the taxing power. That, if I may say, by way of illustration, is exactly what it is proposed to do in the income tax amendment which was under consideration yesterday. When you say that the subjects of taxation may be classified you mean that they may

be divided into groups differently taxed, that is, that the tax may be graduated or progressive, as stated in the income tax resolution.

Now, this amendment looks to the establishment of the clear right of the Legislature to classify the subjects of taxation, but that power must be exercised by virtue of the other provisions of the Constitution which are retained, in a reasonable manner; and there is the further provision written into the Constitution that the tax must be uniform upon the same subject matter. Those safeguards are carried along by this amendment. And while it is in a certain sense letting down the bars, it does not let down the bars to indiscriminate and arbitrary action on the part of the Legislature.

I hear it sometimes said that we do not want to put too great power into the hands of the Legislature in the matter of taxation. There is sometimes a feeling in the Convention, I think, that the Legislature may be a more radical body than the Convention itself, although a little analysis of the situation would satisfy us all that our legislatures are made up pretty much of the same type of men as are the conventions which assemble here from time to time to revise the Constitution.

But this resolution, Mr. Chairman, does not confer upon the Legislature an arbitrary power. You are not asked merely to trust the Legislature, but, rather, to trust the Legislature and the court, the Supreme Court of this State, to see that the taxes imposed are reasonable and uniform.

We are all trying to find ways of revenue which will give the State an equitable system of taxation and which will provide the necessary revenues to meet the increased demands which are being made upon the State in these times of stress. Some of you want an income tax. Others of you look to a tax upon intangibles, perhaps. Again, it may be proposed to increase the revenue of the State by conserving our forest resources and keeping the forests in the communities where, although they do not yield revenue in quite the same ratio as they yield at the present time, they would be the means of a continuing revenue, which in the long run would return more income to the State than under the present system of taxation.

Again, other methods are proposed of increasing the revenues of the State from time to time. Going back over the Constitutional Conventions which have immediately preceded this, we

find in 1903 the proposal was made to tax inheritances, and adopted by the people. But when that became a law, a part of the fundamental law, it immediately became a question whether a graduated income tax could be imposed. It was not until 1919 that we dared to enact in this State a graduated income tax law, and that was due in part to doubt as to the constitutionality of such a law; and it may be said that the constitutionality of that law is in doubt today, for our Supreme Court, in an opinion rendered to the Legislature in 1911 or 1913, stated that the right to tax inheritances by a graduated inheritance tax was in doubt, and that the court itself was so divided in the matter that they could render no opinion to the Legislature which would be of value, preferring to await the assistance of counsel when such a law should be enacted, for a more mature deliberation upon and consideration of the subject.

So we have right before us today, or will have in our courts, the pressing problem as to whether the graduated inheritance tax enacted by the last Legislature is constitutional. That was one step in the matter of opening up the field of taxation.

In 1912 we had another Constitutional Convention, and some three proposals were submitted to the people, all of which received a majority vote, as I remember it, but none of which were adopted. Again, this Convention is assembled here largely, I believe, to deal with this important matter of taxation.

Now, those of us who support the general proposition believe that in the Constitution we should determine the broad lines on which taxation is to proceed, and leave to the Legislature the ways and means of taxation, the determining of the specific tax laws to be enacted, and the sources of revenue to be tapped.

It may be inquired, what is the nature of the Constitution in other States? I suggest here, before proceeding to discuss this, that if you should adopt in this Convention a general revision of the Constitution in respect to taxation, conferring upon the Legislature a broad discretion in these matters, you would not again have to assemble here within a few years to take up the subject of taxation. In other States it has not been found necessary to tie down or restrict the hands of the Legislature as they have been restricted in New Hampshire. Yesterday when we appeared before the legislative committee—the committee on Legislative Department—we were asked,

What is the Constitution of Maine, or Vermont, or these various other States which surround us? I could not at that time give more than general information, but in order to give more specific information today I made a hasty examination of some of these constitutions, and, if you will pardon me, and allow me the time, I will refer to a few of the States which surround us and indicate in a general way how they proceed in their constitutions in the matter of taxation.

Here is the State of Maine, our immediate neighbor. There there is no restriction upon the subject of taxation except as it applies to the property tax. In other words, under the Constitution of that State the Legislature has general power in the matter of taxation, subject to the provision that in the case of property tax so-called, "all taxes upon real and personal estate . . . shall be apportioned and assessed equally according to the true value thereof." In the State of Maine the income tax, tax on gross receipts, tax on inheritances, can be had under their Constitution without amendment, and so on. I, of course, have not attempted to enumerate the different kinds of taxation which are known and recognized and in practice today.

In Vermont there is no special reference to the subject of taxation in the Constitution. The Constitution does provide in its Bill of Rights, as does the Constitution of this State, that every member must contribute his proportion toward the expense of protection of life, liberty and property.

In Massachusetts the original provisions of the Constitution were much the same as in New Hampshire, and it has been necessary in Massachusetts to go through the process of amending the Constitution again and again in order to get the necessary power in the matter of taxation to meet the needs of these complex times. Today in Massachusetts, while the Constitution there is not so liberal as in many of the States, they have a much greater power in the Legislature than we have in New Hampshire, or would have if the amendment which was adopted yesterday should be added to the Constitution; I mean adopted here in this Convention.

In Rhode Island there is no provision in reference to taxation, except that the burdens of the State ought to be fairly distributed among the citizens.

In Connecticut it is provided in the Bill of Rights—and there you get the principal reference to taxation in Connecticut—

that "All men, when they form a social compact, are equal in rights, and no man or set of men are entitled to exclusive public emoluments or privileges from the community."

In New York, the great State of New York, there is very little in the Constitution in reference to taxation, and the principal provision relates not to equality of taxation, but rather to the manner of enacting tax laws. The principal provision in the State of New York is:

"Every law which imposes, continues or revives a tax must distinctly state the tax and the object to which it is to be applied, and it is not sufficient to refer to any other law to fix such tax or object."

In New Jersey, another great industrial State, the principal reference to taxation in the Constitution is:

"Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value."

This of course has reference to the so-called property tax, because in New Jersey the various forms of excise taxes, and taxes on gross receipts, taxes on incomes and inheritances, are recognized and practised.

In Pennsylvania the important provisions have considerable similarity to those of Resolution 20 which you have under consideration. It is provided in the Constitution of Pennsylvania that—

"The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party."

Again, it is provided that all taxes shall be imposed by general laws, and shall be uniform upon the same class of subjects. Then follow certain provisions in regard to street railways which it was considered necessary to add to the Constitution, but which would not be of very great importance to us here.

In Delaware the chief provision is, in substance:

"All taxes must be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and must be levied and collected under general laws; but the General Assembly may by general law exempt from taxation such property as in its opinion will best promote the public welfare."



I have, Mr. Chairman and Gentlemen, taken this group of Eastern States to show that it is not generally considered necessary to restrict the legislature in the manner in which it is restricted here in New Hampshire. We think—we of us who believe in a general revision of the Constitution on this matter—that we can best get at the problems of taxation by experiment. It is said here, for instance, that the income tax is needed as a source of revenue in this State. I am one of those who are willing to try the income tax, but I realize the Federal Government is already in that field, and that the burdens which will be imposed upon us from Washington in that field for many years must necessarily be heavy, probably increasing. I would not be surprised to find that the burden placed upon us from Washington in the field of income taxation was quite as large as the individual could stand, and that we would not get the amount of revenue which we expect through the taxation of incomes. If that is so, even if we should adopt the income tax amendment, and have it ratified by the people, we would still within a few years be facing other problems in the matter of taxation and would be here again assembled for the purpose of considering how we could again, by specific amendment, secure some change in our Constitution which would enable us to deal with this subject of state revenue equitably and satisfactorily.

If you should adopt an amendment of a general nature, and it was ratified by the people, you would not have to come here on the subject of taxation again within a short time. You would find, on the other hand, I believe, that no injustice would be done to any individual or group of individuals in this State by the Legislature; and even if the Legislature should enact arbitrary or unjust legislation, legislation which was oppressive, you would still have the right to appeal to the courts to determine whether the restrictions still imposed by the Constitution, that the legislation must be reasonable and must be uniform, had been violated.

This is, in a general way, as I understand it, the case of those who support an amendment looking to a general revision of the Constitution. I think I have talked quite long enough upon the legal aspects of the matter. There are other gentlemen here who probably want to be heard, and so I will conclude. I thank you, Mr. Chairman and gentlemen, for this attention.

MR. WOODBURY of Woodstock. Mr. Chairman and Gentlemen

of the Committee: I am not going to take your time for any extended period; but as one who introduced one of the resolutions now under consideration perhaps it is appropriate that I should say just a few words.

It is not my purpose, gentlemen of the Committee, to enter into any discussion of the technicalities of the tax situation in New Hampshire. This Convention was called primarily for the purpose of considering the question of taxation. A Constitutional Convention under our organic law, as I understand it, is a sort of an initiative, or perhaps the initiative may be taken first in the Legislature, which is called upon according to the Constitution once in seven years to submit to the people the proposition as to whether they think it advisable to call a Constitutional Convention or not. That probably is the first initiative. After the question is submitted to the people, and the people vote upon the referendum as to whether they shall have a Constitutional Convention or not, a majority or a sufficient number of them decide to call a Convention, then this Convention is called by the legislature for the purpose of submitting amendments to the people.

Last evening we listened to a very interesting talk in this hall on the initiative and referendum, and the State of New Hampshire has very close to that already under its organic law. The government is vested in the hands of the people probably more directly in the State of New Hampshire than in any other state in the Union. Now the question is coming before the people to consider the question of taxation, first, through the hands of the Convention, and then through the hands of the people later on, providing there is an amendment submitted to them, which perhaps there may be.

Primarily, as I have said, this Convention was called for the purpose of considering the subject of taxation. In order to get at the thing fairly and squarely, and submit a fair proposition to the people of New Hampshire, we want to submit some sort of a proposition that is not going to discriminate. We want a fair proposition, that is going to leave the Legislature in a condition where it can use one class of people or one industry as well as another. As far as I am concerned personally, I have absolute faith in the people, and the Legislature is supposed, and does, I think, represent the people of New Hampshire.

The two pending resolutions, which are very similar—I presume the resolution of the gentleman from Bow (Mr. Upton) is a little better than the one I introduced—while they are practically the same, provide that the Legislature of this State shall have the power to control the tax situation as it may arise from time to time. It seems to me now that the Legislature is somewhat tied up under a certain proposition in the Constitution that prohibits it going only so far. It seems to me, under our representation under our organic law, which calls for a large representation of the people, a very direct representation of the people, that we cannot take any very hazardous chance in allowing the people to control the tax situation through its representative body known as the Legislature.

In submitting any amendment to the Constitution we want to submit an amendment that is absolutely fair. I say “absolutely.” Perhaps that is not the word. But we want to submit an amendment that is as fair as can be, so that the people may look upon it as an amendment along general lines, that is not going to specify or classify any one particular property to the detriment of any other class of property.

I am not deep enough in the tax question to go into technicalities and discuss such a thing except as a general proposition. That is the idea. If we can trust the people then we ought to trust the Legislature to handle these questions. That is just where I stand on this matter. I believe the time is going to come sooner or later when that is going to be the ultimate result. If we do not open up the door, so to speak, to the Legislature, and give them practically full power, with some safeguards, such as have been mentioned by the gentleman from Bow, Mr. Upton, it seems to me that we are not going to accomplish the object of this Convention—what it was called for—and the result may be that we will have to have another Constitutional Convention for the same purpose. I do not know how long it will be before we have another, but if there are any inequalities now is the time to take steps for a remedy.

It looks to me that the fairest proposition that we have before us is to submit and allow our legislative body, that meets once in two years, and the personnel of which I think is up to the average legislature to control the tax situation. I think the personnel is just as good and just as capable and can be trusted just as far as the personnel of this Constitutional Convention. In looking over the members of this Convention I

find a good many familiar faces, men that I have seen, men that I have got acquainted with. I got acquainted with those men in the Legislature. Probably there isn't hardly a delegate here today but what has been in the Legislature, and a great many of them will go again. And if we can trust ourselves, if we can trust the people, we can trust the Legislature of New Hampshire.

The point was raised before the Committee meeting yesterday that it was possible that our House was going to be cut away down. Now, none of us living, on the floor of this Convention today, is ever going to see the New Hampshire Legislature reduced down to a very small number, for the simple reason that the people in the country towns are not going to let go what they have, and the cities are not going to do it, either; and the result is that you are going to always have a large House in the State of New Hampshire. There have got to be some very revolutionary steps taken, which I am not looking for in my lifetime, to ever reduce the House any amount, so that it will be down to a small number. It may be possible some time, under a different system, it may ultimately come that you may have a House of 300, but you will never have it any smaller than that, I don't think, and even then you have got a pretty direct representation of the people—a body of men that we can trust to enact our laws.

A great many people say that the Legislature does enact some foolish laws. Why do they enact them? Why is there anything foolish emanating from the Legislature? Simply because foolish things are introduced into the Legislature, and they either kill them or get rid of them in some way or another.

But the question of taxation is not a foolish question. It is a matter that any Legislature of this State should consider fairly and squarely, and they will not make any move that is going to be a detriment to the State, any more than we would as a Constitutional Convention. Whatever we do here is not going to settle the matter, it has got to be referred to the people. It is the people that have got to decide the matter. If we submit Amendment No. 2 or No. 20 or any other amendment which may apply to taxation, it is up to the people to say whether that shall be the organic law of the State or not. We are here to do the best we can. We are here to consider this matter and offer the fairest proposition we can. Then it

is up to the people to say whether we have tried to do right or not. That is the situation.

These two measures, if they are a little too drastic, or if they are not quite in keeping with the views of some of the eminent men here, that understand the situation more than I do, there can be some sort of a measure made up out of what we have already before us that will bring a real, fair proposition, as far as possible, for the people to consider. I trust that in considering this matter we will consider it, not sectionally, not from a partisan point of view in any way, shape or manner, but in the whole interest of the people, in a spirit of fairness and candor.

MR. HOYT of Hanover. Mr. Chairman, some of us do not have a great deal of legal acumen, some of us do not understand the question of taxation, as some of our brothers have spoken of it. Some of us look at this as a question whether we should change the word "proportional" to "reasonable." I thought as I sat in my seat of the fact that when this Constitution was adopted, when our fathers made this Constitution, both words were in use. If at that time they thought the word "reasonable" should have been put in, and that it made it safer for the people, they would have put in "reasonable" instead of "proportional."

It seems to me that the State and County and the towns are corporations. When our fathers adopted the Constitution they adopted it in the safest manner they could for every individual in the State. We all know that we have always a chance to carry our cases to the courts. But I have lived many years, and I have yet to carry a case to the court for settlement, because in my public experience I have found that unless a case involved a large amount of money I was beaten if I carried it to the court, and the defendant was beaten.

It seems to me we should settle down to just one thing. Perhaps you do not believe by "reasonable" what I believe is reasonable. You know today what the public feeling is throughout the Nation. You know in some States in the West that radical ideas are being promulgated. You know in many States of the Union there is a certain class of people that cannot be controlled today except by the bayonet, except by the law. So I say today, let us be very careful that we do not change any word in the Constitution that will endanger our interests. I have lived more than three score and ten years in the State

of New Hampshire under the Constitution of the State of New Hampshire, and I believe so far my rights have been respected. I believe it will be mighty careless in us to change that a great deal unless we know that it is going to be better. We do not any of us claim but what our Legislatures are fair; but you know very well that in the past, no matter what it may be in the future, large moneyed interests can be carried into the Legislature, and, while you may call every man honest, it makes a mighty influence in carrying anything through, with corporations in this State, as there are today with a capital of many millions. The measures that they wish to carry through come before the Legislature, and what chance have the farmers, only through the fairness of the members of that body, of fighting against that? Because they can raise the funds, they can bring speakers here, men that are orators, men that can handle figures, and so on, so that the common man will be confused.

So I say to you gentlemen today that I believe that there is one thing that we should every one of us consider. I have been in this Legislature or other legislatures, here in this House, a number of years. I may have been mistaken in many things—no doubt I was—and had the wrong idea. But I can say today that I believe I never stood on this floor and advocated a measure but what I thought was the best for the whole State. I ask you today, has the farming community of this State ever come before your body at this session, or any other session, and asked for any peculiar benefits or class benefits? If they have, I want it to be brought forward here today. A great organization in this State, the Patrons of Husbandry, have never been in here and asked you to exempt any of their property. They are willing and ready to pay proportionally.

So I say today, gentlemen, think of it well and carefully, whether you prefer the word “reasonable” or “proportional.” To my idea—perhaps I may be wrong—“proportional” means that every man shall have his property assessed according to what is fair for taxation. When you leave it to “reasonable,” perhaps that is a better word, but think of it well today; think that perhaps we do not know in a few years from now what the state of affairs will be.

As I look at it today, our fathers, though it was many years ago, tried to keep these things in the hands of the people, and the nearer you can keep it the nearer I believe you will get it right. What is the Legislature? It is an agent of the

people. We know that they can be changed, we know that our votes can change them, but we don't always know but what there will be some legislature that will do wrong. So today in my mind I want to know whether "reasonable" is better than "proportional," in the idea of the people, or whether we shall have it so that it shall be "proportional." I thank you.

On motion of Mr. Lyford of Concord that the Convention do now arise, report progress, and ask leave to sit again, the affirmative prevailed.

IN CONVENTION.

(The President in the chair)

Mr. Barton, for the Committee of the Whole, to whom was referred Resolution No. 2, Resolution relating to the Powers of the General Court, and Resolution No. 20, Resolution to confer upon the General Court the power to Impose and Levy reasonable Assessments, Rates and Taxes, and to Classify the subject of Taxation, having considered the same, reported progress, and asked leave to sit again.

The report was accepted and leave granted.

On motion of Mr. Lyford of Concord, the following resolution was adopted:

*Resolved*, That when the Convention adjourn today it adjourn to meet tomorrow morning at nine o'clock, and when it adjourns tomorrow it adjourn to meet Tuesday morning next at eleven o'clock.

Mr. Hoyt of Sandwich moved that the Convention resolve itself into the Committee of the Whole for the purpose of further discussion of Resolution No. 2, Resolution relating to the Powers of the General Court, and Resolution No. 20, Resolution to confer upon the General

Court the Power to Impose and Levy reasonable Assessments, Rates and Taxes, and to classify the subject of Taxation, at two o'clock this afternoon.

The question being on the motion of Mr. Hoyt of Sandwich:

MR. BARTON of Newport. It seems to me that we are not prepared to discuss these resolutions today. We have had a pretty good chance this forenoon, I have had an opportunity to see the people leaving, and they are going home. This afternoon we will have fewer here than we have this morning. The trains leave going north at about three o'clock, and there are a lot of people going. Now, it is very wrong, it seems to me, to have a hearing on this matter with only a handful. When the members speak they wish to have an audience, if possible, and all are entitled to hear this discussion. I hope this matter will not be taken up again until the first of the week, when every one is back here and can listen and take part.

MR. HOYT of Sandwich. Some of us do not want to stay here all winter. This matter is before the Convention, or has been, and it seems to me it can be disposed of now just as well as any time. If delegates desire to go home and do not want to vote upon the matter, why, it is up to them, but we are here for business. Let us attend to it and go home.

On motion of Mr. Barton of Newport, the Convention adjourned at 12.30 o'clock.

#### AFTERNOON.

The Convention met according to adjournment.

On motion of Mr. Hoyt of Hanover, the Convention adjourned at 2.02 o'clock.

FRIDAY, JANUARY 16, 1920.

The Convention met at nine o'clock in the forenoon, according to adjournment.



FRIDAY, JANUARY 16, 1920.

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The following communication from the President was read:

MANCHESTER, N. H., January 16, 1920.

*Hon. James O. Lyford, Concord, N. H.:*

DEAR SIR—Will you kindly preside at this morning's session of the Constitutional Convention for me?

Very truly yours,

ALBERT O. BROWN.

The reading of the journal of the preceding day having begun:

On motion of Mr. Hoyt of Hanover, the rules were so far suspended as to dispense with the further reading of the journal.

#### COMMITTEE REPORT.

The Committee on Legislative Department, to whom was referred Resolution No. 22, Resolution relating to the Taxation of Growing Wood and Timber, having considered the same, reported the same in a new draft with the recommendation that the amendments as proposed in the resolution in its new draft be adopted by the Convention.

JAMES O. LYFORD,  
JOHN T. AMEY,  
LESLIE P. SNOW,  
JOHN SCAMMON  
JAMES F. BRENNAN,  
FLETCHER HALE,  
ALFRED R. EVANS,  
ROBERT M. WRIGHT,  
GEORGE W. HASLET,  
ARTHUR L. FOOTE.

Resolution No. 22 (in new draft).

Resolution Relating to Taxation of Growing Wood and  
Timber.

*Resolved*, That the Constitution be amended as follows:

Add at the end of Article 5 the following:

*Provided, further*, that the General Court may provide for such special tax valuation of growing wood and timber upon such conditions and restrictions as will tend to prevent the premature cutting thereof, to secure a continuous supply of forest products and to protect the sources of our streams; and may also provide for taxation of the value of such growing wood and timber when cut at a special rate in excess of rates on other classes of property; and for these purposes may define growing wood and timber and classify the same.

The undersigned, a minority of the Committee on Legislative Department, to whom was referred Resolution No. 22, Resolution relating to the Taxation of Growing Wood and Timber, having considered the same, and being unable to agree with the majority, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

JOHN C. HUTCHINS,  
HARRY W. SPAULDING,  
HOSEA W. PARKER.

The reports were accepted.

On motion of Mr. Hutchins of Stratford, the resolutions and accompanying reports were laid on the table, and the resolution in its new draft ordered printed.

Mr. Foote of Wakefield, for the Committee on Legislative Department, to whom was referred Resolution No. 7, Resolution relating to Candidates for Office, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution, for the reason that it is the subject of legislative action rather than Constitutional amendment.

The report was accepted.

On motion of Mr. Hutchins of Stratford, the resolution and accompanying report were laid on the table.

On motion of Mr. Hubbard of Gilsum, at 9.17 the Convention adjourned.

. TUESDAY, JANUARY 20, 1920.

The Convention met at ten o'clock, according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal having begun:

On motion of Mr. Callahan of Keene, the rules were so far suspended as to dispense with the further reading of the journal.

LEAVE OF ABSENCE.

Mr. Connor of Bristol was granted leave of absence for the day on account of illness in his family.

INTRODUCTION OF RESOLUTIONS.

Mr. Metcalf of Concord introduced the following resolution—Resolution No. 30:

Resolution Relating to Salary of Governor and Council.

*Resolved*, That the Constitution be amended by striking out Article 57, Part Second, and substituting therefor the following:

The governor shall receive an annual salary of five thousand dollars (\$5,000), and each member of the executive council five hundred dollars (\$500), in full for all services and expenses.

The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

Mr. Metcalf of Concord introduced the following resolution—Resolution No. 31:

Resolution Relating to House of Representatives.

*Resolved*, That Article 9, Part Second, be amended by substituting twenty-four hundred for eighteen hundred, and eighteen hundred for twelve hundred, so as to make the additional population required for each representative after the first eighteen hundred, instead of twelve hundred, as at present.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

Mr. Prescott of Milford introduced the following Resolution—Resolution No. 32:

Resolution Amending the Bill of Rights by Striking Out Article 13.

*Resolved*. That the bill of rights be amended by striking out Article 13.

"No person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto, provided he will pay an equivalent." And Article 14 be renumbered Article 13 and each succeeding article be renumbered in numerical succession.

The resolution was read, laid on the table to be printed, and referred to the Committee on Bill of Rights and Executive Department.

Mr. Demond of Concord introduced the following resolution—Resolution No. 33:

Resolution Relating to the Powers of Towns.

*Resolved*, That the Constitution be amended as follows:

Add at the end of Article V the following: "except for the purpose of securing the continued operation within such town of an existing street railway or other public utility."

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

On motion of Mr. Lyford of Concord, the Convention resolved itself into the Committee of the Whole for the purpose of discussing Resolution No. 2, Resolution Relating to the Powers of the General Court, and Resolution No. 20, Resolution relating to conferring upon the General Court the power to Impose and Levy reasonable Assessments, Rates and Taxes and to Classify the subject of Taxation.

IN CONVENTION.

(Mr. Barton of Newport in the chair)

Mr. Upton of Bow offered the following amendment to Resolution No. 20:

Resolution Relating to Salary of Governor and Council.

*Resolved*, That the Constitution be amended by striking out Article 57, Part Second, and substituting therefor the following:

The governor shall receive an annual salary of five thousand dollars (\$5,000), and each member of the executive council five hundred dollars (\$500), in full for all services and expenses.

The resolution was read, laid on the table to be printed and referred to the Committee on Bill of Rights and Executive Department.

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IN CONVENTION.

(Mr. Barton of Newport in the chair)

Mr. Upton of Bow offered the following amendment to Resolution No. 20:

Amend by striking out the words "of subjects" in Article 6, so that as amended said Article 6 of Resolution No. 20 shall read:

"ARTICLE 6. The public charges of government, or any part thereof, may be raised by taxation. The subjects of taxation may be divided according to their kind or value into classes differently taxed. Taxes shall be uniform upon the same class within the territorial limits of the authority levying taxes."

The question being on the amendment of Mr. Upton of Bow—

MR. UPTON. Mr. Chairman and Gentlemen of the Committee: I may say, in explanation of this amendment, that the only purpose of it is to clarify the provisions of Article 6 of the proposed amendment. It does not change the sense or the purpose of the resolution in any material respect. An examination of it showed that the words stricken out were surplusage and perhaps confusing, and accordingly this amendment is offered.

On a *viva voce* vote the amendment was adopted.

MR. EASTMAN of Weare. Mr. Chairman, I would like to say a word, first, to square myself before this Committee for a few things I said the other day in which, apparently, I was misunderstood. I hope to make myself clear even to the people of this Convention so that they would understand what I meant; and if I have got to say it in so many words, I will say flatly that I am not in favor of these resolutions. Now, we know what these resolutions are driving at. They are all aimed at growing wood and timber. I will say again, flatly, that I am not in favor of them. We have not heard the grocer or the meat man or the clothier or the jeweler complaining about their taxes to my knowledge. Those we do not care about. These resolutions, as I said before, are aimed primarily at wood and timber growth—having a special taxation for that.

I believe, gentlemen of the Convention, that you do not want that. You do not hear the majority of the farmers asking for that. If there is any resolution at all to be presented before this Convention, I flatly say that I think it should be in favor



of an exemption of farm lands, instead of the growing wood and timber, that the farmers own. That is where the farmers have had a hard time to pay their taxes on this growing wood and timber they have had to let stand for 30 or 40 years, and get the money for it out of their farms. It has been hard pulling, we all know that. But I want to submit just a few figures right here to you gentlemen.

It was stated here before this Committee on Thursday, I think, that the maximum value for taxation of growing wood and timber—or, not exactly growing wood and timber, but sort of waste land that is covered with young growth, for instance—was \$5 per acre throughout the northern part of the State. I am not sure but that the party stated for the State of New Hampshire, but, anyway, it was for the northern part. Now you assume that it is \$6 per acre. The average tax rate, he said, was \$2.28 for this State. You figure that and you will get about 14 cents, figuring it at \$6 per acre. Now add your interest to that at 6 per cent, if you please, and you get 36 cents, making a total for that year of 50 cents on an acre. Now add your principal and interest for 40 years, if you will, not reckoning interest on interest, and you will get a total of \$22 per acre.

Now, I want to ask you gentlemen if you find many acres that have stood in the State of New Hampshire for 40 years untouched, but what will yield you at least somewhere in the vicinity of 10,000 feet of lumber, hard or soft, as you may find it, per acre. Allowing that it goes as low as 10,000 feet per acre, call that if you will in a remote part of the State \$6 on the stump, we know in many places it is worth ten more added right to that, and that there is much more on many acres, and what do you get figuring it that way? We get \$38 profit out of an acre, after having stood 40 years.

I want to say here that if this thing should pass that there should be a reduction on the taxes of this property, why, we know that all over the State and the United States there are people that have got money who don't know what to do with it, they are looking for a chance to invest it. I have been taught ever since I was a boy that land investments were the only safe thing. That is what my father used to teach me; get a little money, invest it in land, and wait. That is what he did, or I wouldn't perhaps be able to drive an automobile today. Now,

if we had to dig this out of farming, as many of us as there are driving would not be driving them.

It has been stated here on the floor that years back there was no money, it didn't take any money to run the schools. And so it didn't take much, there wasn't much money, gentlemen. I can remember back when my father first started selling milk and was paid off in big pennies, in these great large pennies that you all remember, the old-fashioned ones. Well, business isn't done that way nowadays, there is plenty of money; plenty of money to buy milk, buy clothing, buy automobiles, buy everything else. That is the trouble with us, we have all got too much money, we don't want to work. If we will get down to work, gentlemen, every one of us in this house and all our friends, and everybody all over the State, we won't be crying out by and by that you have got plenty of money but you can't buy this, that and the other because it isn't on the market. My statement to you is, gentlemen, don't let these resolutions slip by and have it so that the Legislature can reduce the value on this property.

MR. DUNCAN of Jaffrey. Mr. Chairman, this question of taxation is one of the most important questions that will come before this Convention. Judging from the conversation which has been heard around the corridors, it is one to which the attention of the delegates has been most strongly directed, and under these circumstances it seems necessary that we should consider it very carefully. As was pointed out to us in the opening address of the president of this Convention a week ago today, the Constitution as it at present exists was adopted about 135 years ago, at a time when the United States was a very small country and a very little developed country. Now, in the course of 135 years we have seen very great changes all through the activities of the country—very great changes in the mechanical world, in the business world, in all the activities of the country, with the exception, among a few others, that the Constitution of the State of New Hampshire with regard to taxation stands practically in the same position that it did 135 years ago.

Now, it seems to many people that it would be wise to make such changes in this Constitutional provision relating to taxation as will allow our tax laws to be brought somewhat up to date. The amendments which are before us, particularly Resolution No. 20, provide that in relation to Article 5 of Part 2

of the Constitution there be stricken out the word "proportional," and with regard to Article 6 of the Constitution that there should be a power left with the Legislature to classify property for the purposes of taxation. There still is left in the Constitution, as was shown by the gentleman from Bow (Mr. Upton) on Thursday, a restriction that taxation shall be reasonable and that it shall be uniform.

In common with other States of the Union, in this period of 135 years we have found many great changes in the conduct of affairs. At the time this provision of the Constitution was adopted the activities of the community were somewhat limited, as relating to many activities which we recognize as proper subjects for the State today. Schools were a very small consideration in the community. They only kept a few weeks in the year. The teacher boarded round, and the burden of taxation on the community for the support of schools was very slight. Now, as you know, it is considerably greater.

The burden on the community for the construction and maintenance of highways was very small. There were no automobiles, no trucks. We didn't need very much highway in those days. It was the custom of the communities, of the individuals in the communities, to take charge of many things which now the community has taken over. For instance, in those days we had no State Hospital, and insane people were sometimes chained in dark rooms in the houses of their own families and kept there during their lifetime. Now we have changed all that, and the people of that unfortunate type are treated in our beautiful State Hospital. I think we will agree that the twentieth century proposition is considerably more humane and enlightened than the eighteenth century proposition. But those things cost money. It is the same with tuberculous patients. The State is now taking quite a part in caring for them. The same with feeble-minded children, with delinquent children, and so on. I will not take time to enumerate all the ways in which the activities of the State have been enlarged in this period of time. But all these things have meant money, and when we have increased our tax to take care of these increasing activities we have found that something has happened, we have made a discovery—those of us who have investigated very closely—and it is this: That the general property tax, which was ample for the support of the communities of those days has become considerably burdensome.

Now, in those days practically the only activity was farming. There were no great extremes of poverty and wealth. There were no railroads to bother us with relation to taxation. There were no artificial creatures called corporations. There were no great, beautiful, efficient manufacturing plants, like the Amoskeag Company in Manchester, the Berlin mills in Berlin, and others which you know better than I do. And so the problem of collecting revenue to pay the increasing expenses of the State has been considerably complicated during that time.

Now, we find something true with relation to economics in this case, and that is that a tax levied on certain kinds of property, particularly the products of labor, tends to restrict or to destroy those things. When the United States government decided that the sulphur match, the old Portland Star match, was dangerous to health, it did not say "You shall not manufacture Portland Star matches," but it did say, "We will impose a heavy tax on Portland Star matches," and that tax drove the Portland Star match out of existence.

That principle is true to a greater or less extent with regard to every class of property which can be created or increased by the labor of men's hands or brains. And so we find that this serious result is becoming effective in many ways. We have heard considerable about driving out of the State growing wood and timber. I will not enter into that because that is not germane to the proposition before us particularly, but certain people do say that the taxes on growing wood and timber are driving it out of the state. Certain other people say that taxes on intangibles are driving them out of the State. I quote now from the tax commission's report to show that those things are not the only things that are being driven out of the state.

I want to call your attention to the question of livestock, comparing the report of the tax commission of 1911 with the tax commission's report of 1918. We find that during that seven years the demand has been increasing for farm products, for products of the land. We find that the tax on horses, the average horse in the State of New Hampshire, has increased in seven years 49 per cent, and the number has decreased 21 per cent. On oxen, the tax on the average ox, has increased 88 per cent, and the number of oxen in the State has decreased 20 per cent. The tax on cows has increased 124 per cent, while their number has decreased one per cent. On sheep the tax

has increased 154 per cent, and the number has decreased 33 per cent. On hogs the tax has increased 143 per cent, and the number has decreased 15 per cent.

Now, the premise may not be true, that this increased taxation is driving livestock out of the State, but I will leave it to the gentlemen of this Committee whether there may not be some connection between those two things.

There is another thing where we find an inequality in our tax laws. I am trying to point out some of the few things which have been called to my attention in which our tax laws are inequitable, in the hope that this Committee may see fit to report favorably a proposition which will allow the Legislature to deal with this matter as it sees fit, as other propositions are brought forward by other people.

Take, for instance the provision with relation to taxing stocks in trade. Our laws provide that stocks in trade shall be taxed on their average value for the preceding year. Now, you take four classes of tradesmen—a meat dealer, a grocer, a clothier and a jeweler, each doing a business, let us assume of \$200 per week. You will agree with me, I feel sure, that the meat man will turn over his stock in trade practically every week and his tax is based on \$200—his average stock in trade. The grocer probably will turn over his stock once a month, twelve times a year. Therefore his tax will be four times \$200, or \$800. The clothier will turn over his stock twice a year, in the spring and fall, and his tax will be based upon a stock in trade of about \$5000. The jeweler, with a turn-over once a year, will probably have his tax based on a stock in trade of \$10,000. Now, is that equitable taxation? I am not trying at this present time to outline a way to correct these things, because that is a proposition for the Legislature to consider. I am simply calling your attention to some of the inequities of our tax law.

Now, we have heard considerable in the past with regard to exemptions, the reduction of the tax on certain things, on intangibles, growing wood and timber, etc. I would call to your attention that there may be a possibility that the Legislature should be allowed to increase the tax above the general rate in certain instances. I suggest for your consideration if it is not possible that in dealing with one of our greatest resources which is going to waste, our water powers, by the imposition of an increased tax, of a higher tax than the average

tax, which the Legislature could do if it saw fit—if we could not bring our water powers into more benefit to the State.

For instance, there has been talk in the State for the last two or three years that there should be some development of storage reservoir facilities within the State to make water powers more valuable. The only suggestion I have seen was that there should be voluntary coöperation between the water power owners of the State, to put in storage reservoirs at their own expense. Now, the great flaw in that is that if one water power owner on a river decides that he does not want to go into this voluntary association, either the whole proposition must be dropped, or, if he still refuses to go in, he gets the benefit without paying any part of the expense.

I would suggest that it might be possible that the Legislature, given a reasonable free hand in taxation, might work out some proposition whereby a special increase, extra tax, could be imposed on owners of water powers, and the proceeds of that special tax be used in the development of storage reservoirs, thereby applying the principles of true conservation to the natural resources of our State.

These are some of the things which have led me, after considerable consideration, to feel that the Legislature should have increased powers with relation to taxation. Not unlimited power, but increased power, limited only by the restriction that the taxes should be reasonable and uniform. I shall be very much disappointed if this Convention does not see fit to submit to the people of the State a proposition like that, allowing more latitude to the Legislature. Conditions are changing, changing every day. The Convention can, under the Constitution, meet only once in seven years; and within seven years from now there might be propositions arise which will not be met by the proposition allowing a tax on incomes, which we voted to submit last week, even granting that should be adopted by the people. Under those circumstances I say it seems vital that the State should give, through its Constitution, to the legislators increased power in the matter of taxation, without our trying in a Constitutional Convention to sew up and limit the Legislature in what it should be allowed to do.

MR. CALLAHAN of Keene. Last week we were told that the forests were being cut down because of the high taxes that are being levied on those forests. I have been identified somewhat with the lumber industry in the State for about 40 years, and

I have watched the conditions from that time up to the present. I want to say as to the lumber industry of this State that the forests will be cut down just so long as the price of lumber keeps up, and they are not paying the tax on that lumber that they should. It was told here that the taxes were so high that the lumber had to be cut—the trees had to be cut. Let me read to you a few facts that I found since I returned to Keene last Thursday, and I will show you whether the lumber or wood lots are taxed so that they have to be destroyed. Right down in the little town of Winchester, in the village of Ashuelot, the Tufts estate in Ashuelot taxed for \$10,000, was appraised at a secret appraisal by a man in Marlborough, New Hampshire, for \$20,000, and sold on the steps of the court house in the city of Keene on the 18th day of last December for \$29,750. Did they pay the tax on that property that they should? In the same town last October a lot was sold at public auction that was taxed for \$800, and it was sold for \$2750. Did they pay a tax that they should on that property? I can point to hundreds of lots all through that section that have been taxed just that way and sold for the enormous profit that they have. You will not save your forests in that way.

When I first went to work in a lumber mill you couldn't find a tree coming into that mill less than ten or twelve inches. Today, as a surveyor of lumber, I have surveyed logs, 30 and 40 logs to the load, that measured 150 feet. Just think of it. I have surveyed logs 12 feet long that measured three inches in the center. And why? Because the people were getting a big profit from the lumber and they were going to reduce it at any cost, not because they were getting taxed, but because they were getting big money for that property. That is why it comes into the mill yards in loads. I have seen 200 logs on a load. You can imagine what that would mean. This talk about paying high taxes on wood lots is all wrong, and I hope that this amendment or resolution will be voted down.

MR. AMEX of Lancaster. Mr. Chairman, it seems that some members of the Convention understand that we are now discussing the timber proposition. I do not understand that that is the fact. I understand that we are discussing a general proposition as to opening the door for legislative action upon the matter of taxation.

I want to call attention to the statement of the gentleman from Weare, Mr. Eastman. It has been talked here I understand



for the last two days and Mr. Eastman has reiterated that talk, that timber lands in the northern section of the State are assessed at a maximum of \$5 per acre. Now I want to correct that impression. The man who makes that statement has no authority for the statement. He is trying to mislead this Convention, because a man of ordinary intelligence can look at the report of the tax commission where the acreage of the large tracts of the northern sections of the State is given, the valuation is given in plain figures, and there is no necessity for making that error. He is trying to mislead you, gentlemen.

The total area of the unorganized towns in this State today is 238,000 acres, the valuation is \$4,440,000, and that is an average of \$19 per acre. That is what the timber lands in the northern section of the State are valued at for taxation today. The unorganized towns include the territory upon which heavy cutting has been done, and a large part of the area has been cut over within a few years. I just want to correct the impression that the gentleman from Weare (Mr. Eastman) has given you. Five dollars per acre is not the valuation placed upon timber of the north country, but it is \$19 per acre on an average in the unorganized towns, and in the organized towns it is more than that.

MR. WOODBURY of Woodstock. Mr. Chairman, I just want to make a statement in reply to the gentleman from Weare, (Mr. Eastman). My statement is this. Resolutions No. 2 and 20 were not introduced into the Convention for the purpose of hoodwinking anybody. They were introduced into this Convention honestly, for the purpose of bringing the proposition before it, to consider whether it be best to submit an amendment to the people and would entrust to the Legislature the enactment of tax laws providing it was ratified. It was for the purpose of remedying just such matters with regard to taxation as were referred to by the gentleman from Weare.

Please do not understand that the introducers of these resolutions have introduced them to hoodwink anyone. It is a fair, open proposition, introduced honestly and conscientiously, in the interests of the State of New Hampshire. This is not the Legislature, we are not legislating anything here; we are simply proposing something as a referendum to the people. That is all we are doing. What we do here is not going to settle the argument at all. This is to submit some feasible proposition



whereby our Legislature, that convenes every two years, can consider the matters as conditions require.

Just one other word, Mr. Chairman, and that is with regard to Resolution No. 20. Resolutions No. 20 and No. 2 are very much alike, although No. 20 includes the words "reasonable" and "uniform" in the last section, which I am agreeable to. I am not pressing the consideration of Resolution No. 2. Of the two resolutions I favor Resolution No. 20, as the amendment has been adopted this morning. So I trust that no member of this Committee will consider that anyone is going to hoodwink anybody. We are in a Constitutional Convention, trying to do our level best for the people of New Hampshire.

MR. BRENNAN of Peterborough. Mr. Chairman, it is well for us to carefully consider this important matter and not act precipitately. We have here several propositions relative to enlarging the power of the legislature in the matter of special taxation of wood and timber and intangibles, making a different classification on those two from other property. These two classes may, and I think should be dealt with in separate resolutions proposed by our Legislative Committee relative to taxes on incomes and wood and timber, to be taken up later.

Numbers 2 and 20 are resolutions, much alike, and leave the whole matter of taxation with the Legislature; they indeed throw down all constitutional bars in the matter of tax regulation. Number 2, introduced by the delegate from Woodstock, who has just spoken, strikes out the word "proportional," and the words "upon all the inhabitants of, and residents within said State, and upon all estates within the same." Thus taking out of the constitution the whole doctrine of proportional taxation and leaving the entire matter of taxation almost wholly with the Legislature. I do not believe so general and unlimited legislative power wise.

I am, however, one of those who believe that the taxing power should be partially extended so as to permit special legislation with reference to taxing intangibles and standing wood and timber, but I am opposed to taking the regulation of taxation entirely out of our organic law and leaving it wholly with the Legislature as Numbers 2 and 20 contemplate.

If either of these two resolutions is adopted it disposes at once of all taxation questions before this convention. This inclusive step would be sweeping, leaving this whole matter of raising money by taxes wholly with the legislature.

As a first step we should decide whether we are in favor of retaining some constitutional limitation on our legislature in this matter, or place it wholly in the hands of the legislature. We should first determine which of these two courses we will pursue, after that we can conclude whether the resolutions before us or such as may be prepared by our Legislative Committee will be the best to adopt.

Mr. Lyford of Concord moved that when the committee rise it report Resolution No. 2, Resolution relating to the Powers of the General Court with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the Resolution.

On a *viva voce* vote the motion prevailed.

MR. UPTON of Bow. Mr. Chairman and Gentlemen of the Committee: I am sorry again to address you in reference to the resolution now under consideration, but perhaps a few words of explanation as to its purpose may not be altogether out of place, especially in view of the suggestions made by some of the speakers who have preceded me.

This resolution, so far as the author of it is concerned, was not introduced for the purpose of enabling any special interests to get legislation at the hands of the Legislature. So far as this matter of timber taxation is concerned, I would gladly join before the Legislature with some of the gentlemen who have preceded me in opposing any legislation which looked to the general exemption of timber lands. I am not one of those who believe that it is necessary for us generally to exempt timber lands in order to conserve our forests. I am not prepared to say that some measure of special taxation may not be desirable and ought not to be practised, temporarily at least, for the purpose of seeing what results can be achieved. The purpose of the introduction of this resolution, rather than being special, was general. I have seen several Constitutional Conventions in session here in Concord and I know something of the history of those that have preceded this. I find that in each Convention the principal topic under consideration has been taxation, and that has been due to the fact that our Constitution, as interpreted, ties us down substantially to what is known as the property tax. We have found it necessary little by little to depart from that rule of construction. In 1903 we wrote in

inheritances and franchises as subjects of taxation. Again, in 1912, various amendments looking to specific changes were proposed by the Convention but failed of adoption by the people; and we are here again, as I believe, largely because the people of this State feel that their Constitution ought to be changed so that this subject of taxation can be dealt with more liberally or more generally by the Legislature from time to time as may be expedient.

This resolution which is before this Committee has been referred to as a wide-open resolution, or a resolution which lets down the bars. I may say, by way of preface to a discussion of that particular proposition, that this kind of a Constitution, the kind that is proposed here, would not be regarded as novel or as unsafe in a majority of the States of the Union. Last Thursday, taking more time than I intended in the beginning, I called attention to the provisions of the Constitutions of the Eastern States, and in only one, Massachusetts, did we find that a Constitution similar to that in New Hampshire prevailed; and even there by amendment much greater latitude has been given to the Legislature than we have here in the State of New Hampshire.

In other words, this proposition which is now under consideration, would merely give to the Legislature of the State of New Hampshire such power as is possessed by the legislatures, say, of Maine, of Vermont, or of the great State of New York or the State of Pennsylvania.

The power which is given to the Legislature by this resolution to select the subjects of taxation and impose taxes thereon is not without restrictions or limitations. On the contrary, it is provided that no tax may be levied under the power conferred unless it be a reasonable tax and unless it operate uniformly. I will not take the time, gentlemen, to go back over the terms of the resolution to read them again; but, to generalize, to outline the purpose of this resolution, I would say that it gives the Legislature the power to select the subjects of taxation, to impose such taxes as it may please upon them, subject, however, to the limitations that the tax must be reasonable and that it must operate uniformly upon the particular subject or class. Those are the principal safeguards regarded essential by experts in matters of taxation. Many constitutions have not those limitations upon the legislative powers expressly stated. So I say, Mr. Chairman and gentlemen, that this is not

a wide-open proposition, but it is rather a proposal to confer upon your Legislature the power to deal with the subject of taxation in a more general, more liberal manner, than has been the practise heretofore, but subject to reasonable safeguards.

I do not consider it desirable to proceed to the amendment of the Constitution piecemeal. We are at the present time told that we have to consider amendments in relation to forest taxation and amendments in relation to intangibles. We have already considered an amendment in relation to the income tax. I believe rather than making our constitution resemble a crazy quilt, making patchwork amendments, that we should turn this matter over to the Legislature, and there let the subjects of taxation be determined by the Legislature from time to time as the needs of the State and actual practise may direct.

That is why we are here advocating a general amendment. We do not advocate a general amendment for the purpose of securing this or that kind of a tax, but for the purpose of turning the matter over to the Legislature, with reasonable safeguards, so that the Legislature may act from time to time as may seem expedient or necessary.

Take, for instance, the situation in which we now find ourselves in respect to the inheritance tax. Back in 1903 an inheritance tax amendment was adopted. No suggestion was contained in this inheritance tax amendment that the tax might be graduated or progressive. It was not until 1919 that we dared to adopt in this State a progressive or graduated inheritance tax, and we do not know today whether that is constitutional or not.

If you adopt an amendment of a general nature, giving the Legislature power to classify the subjects of taxation, you will not have to consider whether a graduated or progressive inheritance tax is constitutional. This question will be eliminated. In the same way, if you desire to tax incomes, you can do it under a general amendment such as is under consideration here, and you will not have any constitutional question of whether a graduated or progressive income tax is constitutional.

I believe, Mr. Chairman and gentlemen, that if a resolution of this sort should be adopted here and should be followed by amendment of the Constitution, that the question of taxation would cease to be a troublesome problem in this State. We would get it out of our Constitutional Conventions, we would get it into the Legislature. You would place it where it would

be dealt with from time to time according to the requirements of the hour.

The proposal which we have under consideration here is not a novel one. It has been advanced before, and it has had sponsorship better than that under which the resolution comes before the Convention at the present time. In looking over the reports of the tax commission I find that in 1911 the tax commission of this state recommended a general revision of the Constitution by an amendment similar to this resolution No. 20. I believe it is generally regarded today that the best way to deal with the subject of taxation is not by legislating, as it were, in the Constitution, but by turning the whole subject over to the Legislature, subject to reasonable restrictions and limitations. I thank you Mr. Chairman and gentlemen, for this consideration.

MR. PIKE of Lisbon. Will the gentleman permit a question?

MR. UPTON. Certainly.

MR. PIKE. Does this proposition No. 20 include the timber land proposition?

MR. UPTON. Unquestionably, Mr. Chairman. I would say in answer to the gentleman that it unquestionably does include the timber proposition; it includes the income tax proposition and all the other various propositions on which the Convention is working. It would turn these over to the Legislature to be dealt with.

MR. BROWN of Manchester. Mr. Chairman and gentlemen of the Committee: It is not my purpose to make a speech at this time, or at any time to repeat what I have already said to this Convention. Reference has just been made by the gentleman from Bow, Mr. Upton, to a recommendation made by the tax commission. The tax commission was appointed in 1911, in the month of May, and in the report of that year some recommendations were made to which I then undoubtedly assented. But when we came into office the taxes for 1911 had been assessed, and nothing remained for us to do during that summer except to make recommendations. I do not believe the recommendation as to classification was wise. I do not adhere to it today.

I had hoped, and I may say that I now hope, that the income tax amendment might be submitted to the people without being encumbered by other tax amendments, without being imperiled by this resolution or any other. I want to see it

adopted, and I think a very great majority of the delegates in this Convention desire to see it adopted and become a part of the Constitution. If many amendments are submitted, especially upon one subject, you know, gentlemen, what the result will be. The voters will get impatient and vote against the whole lot—a good many of them will.

Last November a classification amendment was submitted to the electorate in Ohio, with numerous other amendments. Three or four of the latter related to the liquor traffic. The whole thing was very confusing there and would have been just as confusing here. Mr. Bryan, who went into the state to stump for prohibition, found it necessary to suggest that the people vote for the short amendments and against the long amendments, or vice versa, I forget which. Even with this aid the result was most unsatisfactory. Inconsistent amendments were adopted, and classification was defeated by a very decisive vote.

As I understand it, this bill would permit the general classification of property, its division into any number of classes that were not altogether unreasonable. Livestock might be taxed at one rate and stocks in trade at another. Timber land might be taxed at one rate, farm property at another and city lots at still another. Conceivably you might have a hundred rates. In practice you would not get anything like that, of course. Under our present system we have one rate for all property. There is no classification. There is one rule. It is, of course, the easiest possible rule to enforce, and yet you are told there is difficulty even with it in this regard. The simple rule we now have does not lend itself to easy execution. If you had a hundred classes, or if you had five or six classes instead of one, enforcement of course would be very much more difficult than it is now.

We all want the very best thing. The gentleman from Bow does, the gentleman from Woodstock, Mr. Woodbury, does; you will give me, I think, the credit of believing that I do. If the members of this Convention desire the important provisions of the Constitution with reference to taxation to be in the main stricken out, why, of course, here is a good opportunity to do that work. I think the proposition has its merits. My notion is, however, that the weight of the arguments that have been made and the weight of all the arguments that can be made, are against this proposition. But I am not captious about the matter. I desire the very best thing that we can have, and I do

desire most of all to have the income tax proposition ratified by the people.

Just a moment more. I wonder what property is going to be taxed less under classification; I wonder what property is going to be taxed more. It seems to me that, notwithstanding what the gentleman from Bow and the other advocates of the proposition may say and believe about it, there is no property that can be taxed more, or very little that can be taxed more than it is taxed now without distress. And yet by as much as some property is taxed less, by so much must other property be taxed more than at present. It seems to me that at this time, when as is generally believed more revenue is necessary, a revenue amendment should be submitted. Manifestly this is not such an amendment but the reverse. I thank you.

Mr. Hoyt of Hanover moved that the committee do now arise and report the following resolution:

*Resolved*, That it is inexpedient to adopt Resolution No. 20, Resolution relating to Conferring upon the General Court the Power to Impose and Levy reasonable Assessments, Rates and Taxes and to Classify the Subject of Taxation.

The question being on the motion of Mr. Hoyt of Hanover:

MR. AYRES of Franconia. Mr. Chairman, before the motion is put I would like, if it is in order, to quote one paragraph from Professor Frank A. Updyke, formerly of Dartmouth College, and formerly a member of this Convention, who has unfortunately died since the Convention met a year and a half or more ago. Will you permit me, sir, to read one paragraph from Professor Updyke?

THE CHAIRMAN. You may proceed, as far as I am concerned.

MR. AYRES. (Reading):

"The method of vesting in the legislature general powers over taxation has had the approval of all expert tax authorities in the United States and in other countries. Various national organizations dealing with the principles of taxation have repeatedly endorsed this method. State tax commissions have rec-

omended the abolition of tax restrictions upon the legislature. Many of the American commonwealths allow the legislature free hand in the matter of taxation. Five of the States, Rhode Island, Connecticut, Vermont, New York, and Maryland, never have had constitutional restrictions in this matter; eight other states have specifically provided in their constitutions that the legislature may classify property for purposes of taxation, requiring merely that there be uniformity of rate within the same class of subjects. In one or two other states, where there has been an apparent restriction in the constitution, the courts have through broad interpretation allowed the legislature complete authority.

"The constitution of the United States has not limited Congress in its method of taxation other than that direct taxes must be levied upon the states in proportion to the population of the several states."

It seemed to me, sir, that this Convention ought not to vote upon this matter without having some of the facts before it, and, I think that no greater authority could state these facts than Professor Updyke of Dartmouth College. It is interesting to me, sir, that the neighboring States of Connecticut, Rhode Island and Vermont have a provision which we are now I believe about to vote down. I personally favor the matter as advocated by Professor Updyke.

MR. EASTMAN of Weare. I want to say one word in defense of my statement in regard to the rates of taxation of waste timber lands in the north country. I made my quotation from the statement that was made here before this Convention last Thursday. Many of you gentlemen were not here. A gentleman made a statement here, one who has made it a study, that waste land for taxation in the north country ranged from \$1 and \$5 an acre; and if any of you were not here to hear the statement, I want you to know that I have some foundation for what I said.

MR. WOODBURY of Woodstock. It does not seem to me that we are quite ready to say whether we want to report this resolution as inexpedient or not. There are a great many other members of this Convention that will speak against it probably, and others will speak in favor; and I, for one, would like to know a little more about the tax situation myself be-



fore I see a measure of this kind acted upon without further consideration. I really hope that this motion will not prevail, and that in regard to this matter of taxation, that one resolution, now that the other has been eliminated, may be referred back to the committee on Legislative Department for the purpose of working out some kind of feasible plan that will be adopted by a majority of this Convention. I really hope that this motion made by the gentleman from Hanover will not prevail.

On a *viva voce* vote the affirmative appeared to prevail.

Mr. Wright of Sanbornton called for a division.

A division having been taken, 195 gentlemen having voted in the affirmative, and 58 gentlemen having voted in the negative, the motion prevailed.

#### IN CONVENTION.

(The President in the Chair)

Mr. Barton of Newport, for the Committee of the Whole, to whom was referred Resolution No. 2, Resolution relating to the Powers of the General Court, and Resolution No. 20, Resolution relating to Conferring upon the General Court the Power to Impose and Levy reasonable Assessments, Rates and Taxes and to Classify the Subject of Taxation, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolutions.

The report was accepted and the resolution of the committee was adopted.

On motion of Mr. Emerson of Milford, the Convention took a recess of one hour and thirty minutes.

appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. *Provided*, that the general court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.

The resolution was read, laid on the table to be printed, and referred to the Committee on Legislative Department.

#### COMMITTEE REPORTS.

Mr. Kinney of Claremont, for the Committee on Credentials, reported that they had *prima facie* evidence that the following named gentlemen had been elected delegates from the City of Manchester:

Ward 6—Leroy M. Streeter..

Ward 6—Joseph P. Chatel.

The report of the committee was accepted.

On motion of Mr. Lyford of Concord, Resolution No. 22, Resolution relating to the Taxation of Growing Wood and Timber, in new draft, together with the majority report of the committee, with the recommendation that the resolution in its new draft be adopted by the Convention, and the report of the minority of the committee, *Resolved*, That it is inexpedient to adopt the amendment as proposed in the resolution, was taken from the table.

Mr. Hutchins of Stratford moved that the minority report of the committee, *Resolved*, That it is inexpedient to adopt the amendments as proposed in the resolution, be substituted for the report of the majority of the committee, that the resolution in its new draft be adopted by the Convention.

On motion of Mr. Lyford of Concord, with the motion of Mr. Hutchins of Stratford pending:

The Convention resolved itself into Committee of the Whole for the purpose of considering Resolution No. 22 in new draft, Resolution relating to the Taxation of Growing Wood and Timber.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Tobey of Temple in the Chair.)

Mr. Lyford of Concord offered the following amendment:

MR. LYFORD of Concord. Mr. Chairman, just a verbal correction of the new draft.

"Provided, further, that the General Court may provide for a special tax valuation of growing wood and timber upon such conditions and restrictions as will

tend to prevent the premature cutting thereof, to assure a continuous supply of forest products," etc.

Strike out the "such" in the second line and substitute the word "a" therefor.

The question being on the amendment of Mr. Lyford of Concord,

On a *viva voce* vote the amendment was adopted.

MR. WRIGHT of Sanbornton. Mr. Chairman and gentlemen of the Committee: I have the honor to represent the town of Sanbornton, a town which is engaged purely in agricultural pursuits. I have served as one of the Selectmen of said town for five years. I was born on a farm in the town of Sanbornton, on which farm I have always made my home, and I am living there now. I hope I may be credited with having a little opportunity for seeing the farmer's point of view. I introduced Resolution No. 22 because I believe thoroughly in the subject matter of that resolution. Upon consideration in the Committee on Legislative Department, of which Committee I happen to be a member, some suggestions were made which have been embodied in the new draft, which is the form in which the report comes from the Committee.

I will read the new draft which is to be added at the end of Article 5 of our Constitution. Its purpose is to get by the word "proportional," of which you have already heard so much. This is the new draft:

"Provided, further, that the General Court may provide for a special tax valuation of growing wood and timber upon such conditions and restrictions as will tend to prevent the premature cutting thereof, to assure a continuous supply of forest products and to protect the sources of our streams; and may also provide for taxation of the value of such growing wood and timber when cut at a special rate in excess of rates on other classes of property; and for these purposes may define growing wood and timber and classify the same."

You will see that this new draft embodies two distinct propositions. One relates to taxation and the other relates to the protection of the sources of our streams. It is a well known fact

that the existence of our forest products is associated with the sources of our streams.

First, I want to start back so that we may not be confused with the proposition of legislation in this body. All through our meetings so far there has crept in the thought that we were legislating here, and this morning much time of this Convention was taken in discussing matters which would be proper perhaps only before a committee of the Legislature itself. We are dealing here only with the fundamentals and these other things are but side issues. Those things will be determined by the Legislature if we will only grant it the fundamental power for dealing with them. So the purpose is to give the Legislature authority to deal as it may think best.

It was suggested this morning that the farmer was already taxed too high on his property. I think perhaps that is true, and under some of the proposed amendments which we have had there would have been opportunity for relief in that respect. This is not designed as an exemption proposition. I think that that is where the difficulty comes in the opposition which has been indicated to this general proposition. It is not an exemption proposition. It is a proposition to make a new system for taxing growing wood and timber, a system which will work out equitably to the owner, and in the end must eventually provide a greater tax than otherwise would have been produced. The Constitution now allows a pure exemption of any kind of property. I would be one of the last to advocate the withdrawal of a class of property from taxation. We need revenue, and, as has already been suggested, we have passed one proposition which is designed to take care of one phase of that.

It has been suggested in some of our talks that because of this proposition of perhaps reducing the tax on growing wood and timber that other property would have to bear a greater burden but the speaker did not tell you how the property would be made up if the growing wood and timber was removed. I have positive knowledge of one town which has not a really good timber lot upon it, and that condition I am firmly convinced results from the enforcement of our present taxation system. This may not be true in all of the towns, or perhaps in many of the towns; but it certainly is true in some of the towns. The Legislature under the authority which might be granted to it under this proposition will determine what laws, what conditions and what restrictions will tend to prevent the pre-

mature cutting of the timber, and it can grant reduced rates or increased rates only with such conditions and restrictions. This also would grant authority to the Legislature to provide for a taxing rate even greater than the general rate upon timber under certain conditions.

It has been stated a number of times that timber lots had been assessed in some towns for a certain amount, and then the statements were made that they had been sold for double that. Mr. Chairman, there certainly is a great inequality under such conditions. Of course those timber owners would not care for any different system, but is it just upon the other towns, upon other timber lots, where the law is fully enforced?

This provides also for the defining of growing wood and timber. I think in this, there is an opportunity for us to make great steps toward a uniform system. I think that is one of the difficulties which results from our present system. We have no definition of growing wood and timber, and while the problem at the best is difficult, I believe that through such an amendment, through the powers of this amendment, the Legislature may be able to work out something which may be of benefit. This is not a new proposition, except so far as this proposed amendment is upon conditions and restrictions.

There was a proposition introduced in the 1912 Convention. I think by Judge Fellows, a member of the Tax Commission then and now. I think the subject matter of that resolution finally passed the Convention and went before the people, and, as you know, there was a considerable majority in favor of that proposition.

This proposed amendment embodies other features, which I believe are of the best, for reconstruction, for taking care of our forest supplies. I hope, Mr. Chairman, that the motion to substitute will not prevail.

MR. HOYT of Hanover. Mr. Chairman, I suppose that each one knows in his own vicinity something of the state of taxation. I know and realize as well as any one the danger there is of destroying the forests, but there are other industries in the State as well as the forests. There is one thing that confronts us, gentlemen; it is taxation. I have been a collector of taxes thirty years in succession in the town of Hanover, having all outside of the College district. Thirty years ago, when I took that book, they gave me \$3750 to collect in taxes. They gave me the book this year, on the same territory, at \$13,900.

Thirty years ago the tax on \$100 was 75 cents; this year it is \$2.15.

What is before us? We all know what is before us. We know that taxation has got to increase, and while we deplore the loss of the forests there are other industries. Take the figures of the livestock of this State—the cows. Isn't it of just as much consequence to your children whether they have milk or not as it is with regard to the forests? Take the visible property of the farmers of my town, and I cannot see where you can add any more onto them. If I have a farm, and a little piece of pine lumber here, and if they take off a little of the tax there they have got to add it on to my farm here. These expenses have got to be met. I know and realize, as you do, what this new school law is going to cost. We passed it, it is a good law, but we have got to meet these bills. There is not an institution in this State but what is going to increase in great strides every year as long as this lasts. There will be a deficiency in all these places. Where is this money going to be raised? They say that many timber lands have been cut off on account of the taxation. One man in my town will buy every mite of pine lumber, growing lumber, that a man will put a price on to sell. On the Connecticut River there was a line of farms, large timber lands, and every one have been sold, and the farms today are appraised just as high as they were before. Two lots have been sold in my town. I know what they have been taxed for for the last thirty years, for I have collected them. One farm that was taxed at \$1,250 has just been sold for \$4,000. Another lot upon the mountain, taxed for \$1,250. has been sold for \$4,000. I have on my books twelve pages of non-resident owners of timber land, and I have not heard one non-resident find one word of fault with the amount their land is taxed for.

Now, gentlemen, today just bear this in mind. We thought when the war commenced, this great war, that there were volunteers enough. Were there? No, we had to impose a draft. Now, today all you are talking about is the theory that if you take off a little of the taxes these men will not cut off those timber lands. What an idea. When a thousand of spruce will bring \$50, when a cow will bring \$200, is the man voluntarily going to keep it for future generations? No.

And so I say today I find in my own town that no man is finding fault with the way his timber is taxed. I find with the

farmers through there, with the price of labor and with additional taxes, you can save your forests and take off the taxes, but you can tax out the men that run the farms. It is a danger. I cannot see any way why the property should not be taxed proportionally. Why don't you bring in a resolution here today that the man that tills the farm shall have a reduction on his farm? Isn't he in as bad a place as the man that owns the forest? Let us consider that this is not a theory, but something that has got to be met. We can all get up a splendid theory, but we have got to take the facts. Thousands of dollars have got to go back into the country to help support the schools. In the city of Manchester, that great profitable-city—how are their finances there? Are not the debts leaping up by leaps and bounds?

How is it? Who is going to pay the taxes? Go on, gentlemen, and exempt the millionaires, but remember just this one thing. With the price of labor, and with the addition of taxes, you will soon have it so you can raise all the timber you want, because you will have every back farm deserted. Now, remember that. You called on us in time of war to labor and raise products. Did the farmers strike for eight hours a day? No; they worked fifteen hours, and they labored, and they did their part in winning this war. Now let this Convention impose upon them an extra burden that is entailed from the millionaire, and put it on to the laboring man and the farmer, and you take the result. Take your choice.

MR. DUNCAN of Hancock. Mr. Chairman, I ask for a personal privilege in the first place. Perhaps you remember that when we were here in June, a year ago last June, I spoke upon this question and made a statement in regard to the figures of the vote on an amendment similar to the proposed one of the Constitutional Convention of 1912. My friend, Mr. Brennan, questioned my figures, and he was right. And yet I want to read just what the record was in the red book which was sent to us before we assembled here. The record in the red book, which was sent to all of the members, read like this: The amendment was rejected by a vote of 23,108 to a vote of 12,636, which simply shows how a man glancing at it rapidly and hurriedly, and not being of the experience of my friend, Mr. Brennan, might understand it.

We have against us, I say, those of us who do not believe in tampering with this taxation on wood and timber, quite an



array of legal talent. We do not know where their interests are exactly, or how they are so interested in this matter. We do not know, perhaps, just how much they are in touch with the common people, the farmers and the other common people, whom you all recognize pay perhaps their full share of the tax.

My old friend, Major Brennan—and when I say “old friend” I don’t mean an old man, because they say that every man is as young as he feels, and certainly if that is true Major Brennan is a young man. I have consulted him quite a good many times in legal matters, have sought his advice and paid for it, and I don’t know but sometimes I have had his advice when I didn’t pay for it, but I never sought his advice in the conduct of my farm or in regard to any lumbering or real estate operations in which I might have been engaged. I have a good mind to tell you a little story. The other day we were having a little friendly visit in the Senatorial Chamber and the story was told and reference was made to brisket, and my friend Brennan called me out in the corner and he said, “Mr. Duncan, can you tell me where the brisket on an animal is?” So, as I say, I don’t know how much they are in touch with the common people on these questions.

Our honored President in his very fine address at the opening of this session alluded to the cost of administration, how it was becoming larger every year, or every two years, and it was increasing very rapidly. It occurred to me in the first place that if such a proposition was put up to the Legislature as is advocated by those in favor of this proposition that the cost of administration would be very much larger. Look again in the latter part of that red book that was sent to you and see the large lists of commissioners and committees and trustees, and one thing and another, with the good sized salaries that the state is paying them, and think, if lumber and wood and timberland should be classified as has been advocated here, the expense of that, how much it would be. And every two years at least, or every year, perhaps, it would have to be looked over and classified differently and estimates made. Any of you who have had any experience as selectmen or appraisers, or assessors, know that it is a pretty expensive and pretty lengthy job to go over timberlands and appraise them and classify them so that you would even be satisfied with your own judgment.

Another objection in the minds of some of us to leaving this matter to the Legislature is that we apprehend that possibly

some influences might be brought to bear that perhaps would not leave it entirely fair to those of us who are interested. Now, Mr. Hollis in the committee meeting the other night in the Senatorial Chamber said that he would be satisfied if the thing was adjusted in fifty years. He said he would make no radical change, no rapid change, but it would work along gradually. This was in reply to a question by someone who asked if growing wood and timber was reclassified and the tax reduced, it wouldn't work hardships upon many of the towns and increase the tax upon other property. He said, "Why, there would be no hurry about it. It would not be done rapidly or abruptly in any way." Yet, if the records are true, in 1912 and 1913 this same association which he represents put in \$450 to a lobbyist to push the thing through there to exempt a large part of this property. That looked as though they were in somewhat of a hurry.

I will not insult the intelligence of this Convention by repeating very much that I said here a year ago last June, but this was one of the things that was brought to my notice and I could not help but mention it.

Another matter that has been brought up here by Mr. Ayres, which he has repeatedly said, said last June and said here last week, or this morning, I don't recall which, is that these large timber growers, those large timber owners, those men who own thousands of acres, are not interested in this thing. Now, some of us know that that is not so—begging your pardon—because we have had letters from that class of men urging us to favor this proposition. We know that some of them are interested in it. If I have had letters and others have come to me and said that they have had letters from some of them, it looks possible as though others might have had letters, as though other large owners were interested. So I know that some of them are interested.

Now, there was no act before the Legislature of last winter, perhaps, that was more discussed all through the state than the new school law, and I heard it discussed several times. I heard Mr. Butterfield discuss it, and he went at it in something of this way. He says that the conditions of this state have changed. He says about 135 towns in this state within the last few years have greatly reduced their valuation; that is, it has become reduced. In about a hundred towns and cities as it is the valuation has increased. These back towns that have been

so reduced, we need to help them to keep up their schools, and so we have this new law. Now, if they have been reduced, they are largely rural towns. Their property is largely of this class of property which we are considering. Do we want to reduce their valuation still more? Why, gentlemen, a good many of us know of towns that if you lighten up the tax on this growing wood and timber I hardly see where they will get money enough to support their schools or build their roads or their bridges, or carry on the affairs of the town.

I wonder if you know this fact—and this applies somewhat to the gentleman who spoke about conserving the water resources. A few years ago I saw this statement by Mr. Hirst, the State Forester. He said that whereas 30 years ago, sixty per cent of New Hampshire was covered with a growth of wood and timber now eighty per cent is covered. With about six million acres of land in the state of New Hampshire the statement which he made was that four million, eight hundred thousand acres were covered with a growth of wood and timber. Why, gentlemen, think if you reduce the tax on this, where it is going to leave the rest of your property.

There is one class of people that has been referred to, that is, most of the farmers, whom it is conceded are against this bill. But here is a large representation from the cities. Many of you represent men who own homes or a business, and many of you own them yourselves and do not own any other real estate. If there is a reduction on this large amount of real estate, four million eight hundred thousand acres, or a large part of that, where is it going to put the tax on your property in the cities or in the large towns? And, more than that, if you put the larger burden upon the farmers, where are you going to put the men who are raising the food for you to eat? We hear a good deal about the high cost of living at this present time, and I tell you, gentlemen, the farmers were called upon to win the war and they responded nobly. They did not strike for any eight hours a day or five days a week, but they worked six or seven days in the week and twelve or thirteen hours a day, and they raised the food. They were pretty good fellows then.

I met a man one day, a man I was familiar with. It was along in November. I said, "How do you do, Mr. Jaquith?" He said, "I was Mr. Jaquith just before election. We were mighty good fellows when they wanted us to raise the food

to win the war." Now, do not put too much of a burden upon us at this time.

I was in the County Agent's office at Keene a while ago, and a man came in there with a little sprig of pine that had died. He wanted to see Mr. Darling, and he said he wanted to find out if that was the pine blister mite that had killed it. As it happened it was not. Then he went on to say, "I have been in the habit of buying farms and selling the buildings and the cultivated land to people who wished to farm, keeping the wild land, the land that is growing up to wood and timber, and I am very much interested in this."

I will make a personal confession. If this bill were to go through, or this project, personally it would benefit me, because at the present time that is about all the kind of real estate that I have, and I have several pieces that I have acquired in just that way. I bought farms and sold them to somebody to go on and support their families and get their living, and have kept back the back lands and the timber lands. Now, we gentlemen and most of the rest of you who own this kind of land—are all very glad indeed to have the state spend thousands upon thousands of dollars in protecting the land from the pine blister mite, from the gypsy moth, from fires. These men that we have sold those farms to have gone on them, some of them poor, some of them in debt. They are trying to support their families. They are trying to raise something to sell to the rest of you who are not producers, some food to sell, to get money to pay for those farms. Is it right, is it honest or just or fair that we should say, "Here, you fellows pay the taxes and we will be relieved, because we have got some pine growing there and we think it is a pretty good investment, and we want you fellows to pay the taxes on it?" I say no, a hundred times no. No, I do not need to say a hundred times no, because when you come to vote upon it you gentlemen will make it several times a hundred times no yourselves.

MR. PAGE of Gilmanton. Gentlemen, I want to be fair. I want to say I have got a little timberland. I don't care personally whether you tax it or not. I am perfectly willing you should. It pays fairly well. But I want to bring up two or three illustrations that I know about. I am not going away off somewhere. I can look right out from my place on to a lot on the mountains where they have just cut off three million, and why? Because they were owned by people that had medium

farms, good, fair farms, and intelligent people, people who were doing the right thing, making good on the farms. Taxes went up after the reappraisement—every once in seven years you know they go around oftentimes and reappraise the property—from \$90 to \$300 in one case. The man could not pay that unless he sold his lumber. Well, what was to be done? He did sell his lumber, and I looked out there and there is just about two million cut off of that one piece. He got, I think, around \$2,500 for the whole business. They have not got rich. This was up on the mountain. I can look out there now, when the snow is on the ground, and see the paths clear up to the top, higher than I should want to go, and this may be higher in one sense of the word than I shall ever get, but we can't tell—we can't tell. Now then, when it comes spring, that is right at the head of the Suncook Valley Water system—right at the head. When it comes spring the snows will soon be gone, and the April and May showers will come down there. They will not reforest it. It is right on the south side, right on the sunny side, and it will be as dry as the desert of Sahara. And where will they get the water? They will be complaining down there at Pittsfield, which is the first manufacturing center, "We can't get any water." Well, why? Because you cut off a whole lot of timber right at the head.

Now, here is another proposition. We came into the world "nay kids," or naked. We are going out probably about the same, but we have or are now practically destroying the heritage of the coming generation. Here is this brother right here who said—if I am wrong I will stand corrected—but I think he said 120 logs on a team. Was that right?

MR. CALLAHAN of Keene. I have seen 200.

MR. PAGE. Two hundred. Well, that is one of the strongest arguments against his proposition that we ought not to do something to keep the lumber. How much do you suppose they got out of that load of logs? It didn't amount to shucks, all they got out of it, because I shouldn't wonder if it ran them into debt. It would, very likely.

Now, here is another proposition. They talked here as though we were not going to get any taxes on growing timber. Let me say to the brother—I don't know as I can pick him out again, but he came up here a minute ago and I am following in his footsteps, perhaps slowly—don't bother about taxes on any lumber of any description, for in about twenty years from

now you will not have any, it will all be gone. Now, that is a fact. It will be gone. Now, wouldn't it be well enough to fix our Constitution so that we can do something? He says he will get nothing out of it. I am perfectly willing, and I think you ought to tax your finished lumber more. I have hauled lumber to Laconia and put it in and built a house with it and reckoned it at ten dollars a thousand, away back when I was on earth the first time. Since then I recall the last time I was up here at Cook's Lumber Company. I had a little left of square edged boards. They said to me, "What do you ask?" I said, "You can give me what you have a mind to over \$40." "Well," he said, "I will give you \$40 anyway." Now, if you should take some of them \$40 would be a pretty fair thing, and I am not going to say take enough so as to get out of it; but if you go to work and tax the lumber clear up, the same as they did on this fellow that couldn't pay \$300 off of his farm, what are you going to do? He was trying to "milk" it out. He was trying to raise a few potatoes. Why, it is a plain proposition. He couldn't keep it. And there are lots of them just like him.

Now, then, if you do that where will you be? I will tell you where you will be. You will be just like the fellow—I am not going to call names, for they will get mad, some of them—but they brought an old sheep into our country two years ago and said they wouldn't take two thousand dollars for him. He was an old fellow. "Well," I said, "you needn't bother, you won't have to pay, for if he goes over March Hill he will never get over it uninjured," and he didn't. That is just where your lumber will be in a few years. Somebody said there was a whole lot more, I don't remember how many million more, of sprout land, or lumber. How many trees do you suppose you have got to have to saw a thousand? How many do you suppose there was on it? I have just looked over a little lot where I hauled in some boards. I don't believe they have got 50 ten-foot boards that will scale ten feet on that whole lot of lumber. It is kindling wood.

How much money is there in it? The logger says he lost money. The man that sawed it said he lost money because he couldn't get any. He sawed it, or he sawed at it, but he didn't get any, and he is broke, and you needn't bother a bit. If you won't do anything and don't do anything, you needn't worry a mite about the taxes that are coming from lumber. In about

twenty years from now there won't be any to tax, and undoubtedly land is growing up to sprout land.

What does land do generally? After you cut off the pine it generally grows up to a hardwood lot, doesn't it? You can get lost there in those sprouts pretty quick because you can't see anything, scarcely. But where do you see the pine? The pine starts in on our pastures, that is, except in the old forests, and grows up to scrub pine, and in amongst them is another pine which is better than that, and that eventually grows up to timber pine, keeps climbing and climbing until it gets the sunlight, and gets to be timber pine. That is all right, but how much of that have you got?

Now, as I remarked, we came here without anything, unless some of you fellows came from the old country, and then undoubtedly you had something—the more the better. But we fellows that were unfortunate enough to come right here upon our own firesides didn't have a cent, and if you continually sacrifice this lumber business you won't have any.

Now, I am reminded that when Christ was on earth he used a very simple illustration—very simple. He spoke about the calves, the lambs and the plowshares, and I am reminded to speak about the proverbial asses. It is said that Manassah—I may be wrong, I stand corrected if any of those fellows that read the bible a great deal more than I do know—the tribe of Manassah was likened unto a strong ass crouching between two burdens. Now, then, if you hang on to a whole lot of nice lumber after it gets along pretty well, I don't know about its making good—I doubt it very much, and I think that you will be crouching beneath more than one burden, and you will eventually say—now, I am going to use an illustration that you will remember—"I guess I have made a proverbial beast of burden of myself."

THE CHAIRMAN. The chair would state that it is almost regrettable to introduce politics here by party designations of donkeys, or anything else, in my judgment.

MR. SANDERS of Derry. I just want to make one point, that is all. Since one of the other speakers has said that if we cut off all of this timber, or rather exempt it, we would lose so much in taxes. We would have to raise funds by taxation in some other manner. Now, I think there is a little error in that, because this bill specifically states that when the lumber is cut it shall be taxed in excess of the other taxes.

MR. PAGE of Gilmanton. Take all that belongs to you. Take enough.

MR. SANDERS. It will take more. There are some lots which are ready to cut now, some ready to cut next year. There will be some cut continually, and each lot will have to pay a tax in excess of the ordinary taxes. Therefore in the aggregate that lot of land, or wood lot, will pay as much taxes as it would have paid dallying along from year to year, and I don't think the state would be any worse off. I think this is a mighty good bill and I hope it will pass.

MR. LEVIN J. CHASE of Concord. Mr. Chairman and Gentlemen of the Committee, if the Convention will indulge me for a very few moments I would like to speak a few words on this subject as a timber baron. I own a small wood lot in my ancestral town of Hopkinton, and I was told that I had some valuable timber up there, so last fall I went over it very carefully and as a result of that investigation I am satisfied that when the income tax law goes into effect that lot will be assessed as an intangible.

It is unfortunate that the movement for the protection of the forests is so tangled up with the intricate, perplexing and sordid problem of taxation. Generally speaking there is an unavoidable element of selfishness in taxation discussions, and it is important in considering this measure that we discuss it unselfishly, because to a very great extent the interests of posterity are involved.

I did not intend to take part in this debate, because my mind has never been able to grasp the science of taxation. I did not feel that my wings were strong enough to flutter among the experts, but after listening to the speeches on the income tax and the remarks on timber taxation here today I feel more at ease and I am less embarrassed over my lack of knowledge.

The speeches on the income tax were interesting, if not convincing. Nobody seemed to know anything about it, and nobody seemed to care. It is significant that during that entire discussion not one ray of light was thrown upon the subject, not one fact or figure was presented in relation to income taxation in other states. But when the Chairman put the vote to the Convention we all voted Aye to the best of my knowledge, except one man in the rear who was asleep, and he woke up just in time to say "No." But, generally speaking, it was unanimous. And, so, having given the Legislature complete jurisdiction over



our incomes, why can't we give that body an opportunity to save our forests?

I take it for granted that the Legislature can solve the taxation problem wisely and justly, and with that difficulty out of the way the question before us seems fairly simple. Our forests are disappearing and their preservation is vital to the welfare of the state. Heavy taxation combined with advancing prices are skinning our woodlands so fast that unless some step is taken those who come after us will rise up and call us a generation of wood butchers, a generation whose love of the state and interest in posterity was measured by taxes, sawdust and board feet.

The opponents of this measure do not deny that our forests are doomed to destruction. They seem to regard the destruction as inevitable, resulting from the operation of natural laws, and they take no stock in the newfangled notions of conservation and reforestation. They maintain that it is impossible to thwart the great natural law of supply and demand. On the other hand, however, the experience of centuries has demonstrated that sensible taxation and scientific forestry if adopted in time, will furnish almost any state with a continuous and perpetual supply of forest products. And so we need not be deeply concerned with the law of supply and demand, nor need we be concerned with the previously expressed opinion of the Tax Commission which vigorously opposed a measure similar to this, opposed and probably defeated it, during our short session in June, 1918.

Now, I do not say that disrespectfully of the Commission. The Commission is composed of able men, and they have a hard job, but they have been engaged so long in levying taxes that they have come to regard the state in much the same way as a farmer regards a cow. But there is going to be a great change, in fact there has been a change on the Commission, a change of heart, because in the past New Hampshire has dried up at irregular intervals, but now under the infallible income tax law the old state can be expected to freshen every two years.

It may be, Mr. Chairman, that the plan embodied in this measure will fail of its purpose, but I honestly believe that it is our duty to take a chance. Our ancestors took lots of chances for us. They built, not only for themselves, but for the future. I wonder if all of us realize that the magnificent shade trees that add so much to our comfort and to the beauty and dignity

of our towns are due wholly to the unselfish forethought of our ancestors. They planted, God watered, and we enjoy the increase. Without her superb shade trees today New Hampshire would be poor indeed, and to me there is a touch of pathos as well as a deep lesson in the knowledge that the men and women who planted those trees were gathered to their fathers long before the trees themselves were large enough to cast a visible shadow in the sun.

MR. PIKE of Lisbon. With all due respect to the gentleman from Concord who has just spoken, I notice that our forefathers did not take many chances with our Constitution, and the generations which have followed have not taken many chances with that Constitution either.

A great deal has been said here about saving our forests. I am afraid, Gentlemen, that we cannot save our forests, that we cannot possibly, not until we reduce the price of lumber. The gentleman who has just preceded me has said something about reforesting the tracts of land in this state. Gentlemen, our Legislature has all the power on God's green earth to make appropriations for that purpose, if they see fit to do it, and it is not anything that enters into this discussion.

Now, we have had a new bill brought in here today. The old bill reminds me of a child that was somewhat lacking for clothes when he was brought into this Convention. They have taken him out and clothed him up, but he is the same child he was when he started. They have taken out one or two words in here, that did not appear to appeal to the members of this Convention, but he is the same little boy, only he has a brand new suit of clothes on, and he has been trimmed up for the occasion. We have gone through this convention. We killed one or two bills relating to this same subject before. We killed one that was included in it this morning, and I hope the motion of the gentleman of Stratford, Mr. Hutchins, to submit the minority report as inexpedient to legislate will be accepted, instead of the majority report. I thank you.

MR. EMERSON of Milford. Mr. Chairman and Gentlemen, lest the gentleman from Hancock (Mr. Duncan) or some other gentleman, a delegate to this Convention, should misapprehend me as to why I speak here, I want to say that I am a merchant and not a lawyer and I hold no brief to appear here for anybody save the voters who elected me as a delegate to this Convention, some of whom supported me because they knew my

position and because they wanted to be represented on this question. And so, representing those men, I want to say just a word here in regard to this proposition.

I want to start with the ground upon which we all agree, first, that it is desirable that we should provide a continuous supply of wood and timber for coming generations in the state. There is nobody that contends against that. Second, that much of our wood and timber is cut before it is mature, to the detriment of the state and to the detriment of the owner thereof. To the detriment of the state because it is lost as a taxable asset, to the detriment of the owner because there would be more wood and timber if it could mature, and it would have a greater value.

Starting with the premises where we all agree, I want to digress a little bit. Some of us believe that taxation of growing young stuff results in its being cut, some of it, before it is mature. Some of us do not so believe. I am one of those who does so believe, from my observations in my own town, my observations on my own farm, because incidentally I am a farmer as well as a merchant, who knows to a certainty that a lot went off my farm because it was taxed for \$3000; not a large amount, to be sure, not a large tax, to be sure, but a large principle involved. And then when the tax collectors came around and found it on the sticks, they could find but a value of \$2500 after it was cut, and after it had been milled. That is just one instance. I am sure there are a great many instances like that in the southern part of the state where I reside. If I did not so believe I would not so state here.

I am one of those who believe that some of our land owners, some of them in my own town, some in the vicinity of my own town, are moved to cut their growing wood and timber in order to escape the tax burden. I realize that some of you do not agree with that proposition. I realize that some of you similarly situated do not believe that statement. I know that some of them have said so to me, and I know that some of them have asked me here to secure some relief, if possible, from taxation for the lumber while it is growing, and so I have to believe it.

I am one of those who believe that if the tax on growing wood and timber could be graded so that the owner of a small lot could pay the tax when the crop was harvested and his money came in, that many lots would stay on the stump much longer than they do, and that is to the benefit of the state and

to the benefit of the owner. It is to the benefit of all concerned, provided some hardship is not worked on somebody else. As to the hardship to be worked upon somebody else, I, for one, am willing to leave that matter to the Legislature. I have full confidence in the body of men who sit in this Chamber and in the other Chamber every two years to legislate for the state. Many of them are farmers, land owners. We have to acknowledge they are all interested in the welfare of the state of New Hampshire, that they are just as much patriots as we are, that they desire the good of the state just as much as we do. I for one am willing to leave the proposition of working out the detail of the taxation of the growing young stuff to them.

There is no proposition here, although it has been controverted on the floor, to excuse mature timber or wood from any tax for any period, nor to allow it to escape in any year any part of its tax burden. Nor is there any proposition here to allow the land upon which it grows to escape any of its tax. Those propositions have been mentioned here, but they are not here at all today. This proposition is to give the Legislature the power to classify growing timber for taxation purposes for the purpose of allowing it to mature, to provide timber for future generations, and that the quality of the lumber may be better, and that it may be in sight for taxation a longer period of time, and so incidentally increase the revenues of the state.

It has been stated here that much of the land in the north portion of the state, the timber land, escaped taxation, or is taxed at so low a rate that it practically escapes taxation. It has been controverted, and then it has been stated again. There seems to remain in the minds of some of you the idea that that is true. If that is true, I submit to you that here is a proposition to get at that stuff and tax it. You know it is very easy to find lumber when it is stuck out at the end of the mill race, and if you make a proposition which allows young stuff to escape taxation in part while it is growing, and then tax it when it is cropped, you will find that lumber there, and you will tax it, and you will get the revenue the state is entitled to. It looks to me as if you who believe in that proposition have your relief in this proposition.

Now, I repeat that I, for one, have full confidence in the Legislature. I, for one, believe that the Legislature should be given power to deal with this problem, and I have confidence

in the wisdom of the Legislature to deal with it wisely for the benefit of the state. I therefore shall vote against the proposition to substitute the report of the minority for the majority, and then if that motion does not prevail I shall be delighted to vote that we recommend this proposition for referendum to the people.

MR. FOSTER of Waterville. Mr. Chairman and Gentlemen of the Committee, I hadn't a thought until a few moments ago of saying anything on the question of taxation again before this Convention. I did speak a year ago last spring, and spoke then in advocacy of an amendment to allow a separate classification of wood lands, such as is now before you.

I wish to make it plain at the very outset that I am working only in the public interest, and I wish therefore to state that I am employed by the State Forestry Department and what I say has the full corroboration of Mr. Hirst, who is the State Forester. We have absolutely no ulterior motive. We are not working for any clique, any society or any association. We are simply for the public interest of this state, and in working that way we are greatly in favor of trying out the proposed amendment. I believe that the time will come when we will all look back at the day we passed this amendment as a great day for the state of New Hampshire.

We have got to take better care of our growing wood and timber; there is no question about it. Mature timber is rapidly being cut away. Immature growth is also being cut and we are rapidly approaching a condition similar to what they had in France years ago. And I might say in that connection that because of the great public policy of managing wood lands and reforestation carried out in France after the French Revolution that nation was able to save the day for the Allies in more than one respect by furnishing the wood and timber needed to carry on the war. England could not furnish it, America could not furnish it, because she could not get her ships over, but the American Forestry men who went to France cut millions and millions of feet of French timber which the people of that country had grown and cared for in the last fifty years.

The present forest conditions in New Hampshire cannot be passed over lightly. It was remarked a short time ago that Mr. Hirst said that there were—I forget how many—a great many thousand acres more of wood land today than there were

fifteen or twenty or thirty years ago. There is no doubt about it. There are thousands and thousands of acres more in wood lands today than there were fifty or sixty years ago, but what kind of wood land is it? I challenge anybody here to tell me that there is more standing timber of value in this state today than there was twenty years ago or fifty years ago. You can go to any town in this state today, and what do you find? You find thousands of acres of brush lands. Not in fifty years or a hundred years or one hundred and fifty years will that brush land make valuable, merchantable timber. And what is the reason? I am not going to deny that high prices have a very important influence on heavy cutting—no question about it. But I will say that the present system of taxation has been one of the reasons why timber has been cut as rapidly as it has.

Now, if that is one of the reasons, then it is our duty as citizens of this state to do all that we can to save growing timber from premature cutting, and if this amendment as proposed will bring it about, then our plain duty as citizens of this state is to vote for the amendment. I will not say that I believe the passage of this amendment will bring about any immediate results, but I believe it will help greatly in the long run and for just that reason, we ought to try it out.

The time is coming when the management of timber lands and the growing of valuable timber must become accepted facts in this country and waste and neglected lands will be the exception. We are now entering upon a policy, both national and state, that is going to have a great deal to do in the improvement of our forest resources.

Now one of the fundamental planks of the national platform of improving our forest conditions is a change in the system of assessing taxes on growing forests. You can take it from Col. Graves, head of the Federal Service in Washington, from any state forester of this country and from any forestry organization which is looking only to the welfare of their state, that one of the important planks of the conservation policies of the future is a fairer assessment of our growing forest land. That being the case, we are certainly taking no radical and peculiar step in bringing about a measure which will allow growing timber lands to be separately classified. It is a step in the right direction. It is a step that has already been taken in Massachusetts and other States and is going to be commonly taken and commonly understood throughout the country.

I believe that regulation of timber holdings and improved forest conditions will be greatly hastened by permitting a separate classification and assessment of growing timber lands. The present owner is at present not encouraged to practice forestry or to cut lightly but is rather persuaded that stripping off all his timber as quickly as possible is the only course for him to follow. Leave it to the Legislature to decide what restrictions, what regulations shall be placed upon timber lands that are to be separately classified. Make regulations as stringent as you want. Tax the timber when cut as high as you want, but make it possible for him who owns growing timber to accept the regulations of the State and receive the benefit of a lower assessment while his timber is small. Let us give people the incentive to grow valuable timber which they have not today.

If you can tax a growing timber lot at full value, I can show any member of this Convention that in fifty years you will have taxed away the entire value of that timber. I am not going to rehearse the old arguments of confiscation but that statement is true. I have no incentive, no purpose whatever, in urging you to refrain from taxing mature timber at its full value. It should be taxed at its full value, just as much as any other property, but you cannot tax young, growing timber at its full value without confiscation. I urge you in the name of the forest interests of this state, and the public welfare of the State and the farmers who do not understand what these principles are that are being presented to you, to pass this amendment as proposed.

MR. BARTON of Newport. Mr. Chairman, there is just one feature about this matter which perhaps has not been presented, perhaps you have not thought of it, although the matter has been widely discussed. I spoke to Mr. Ayres, of the Forest Society, about the workings of the law wherever they had had similar provisions to what we ask for here, and legislation under it. He said they had some law in Massachusetts that has been working, I think, eight or nine years. I asked him how many people had accepted its provision, and I think he said about nine or ten. Of course, any law which a legislature passes must be optional, contain an optional feature. You and I will not have come in under its program unless we want to. If we come in, we have to make some kind of a contract with the State, agreeing not to cut our timber for a certain length of time, and giving the state control of it. At first thought not

one in ten will desire and enter such an arrangement. Such a law will work out very slowly, and we will need to be educated before we reach the point where we are willing to take hold for the preservation of our forests, to the extent of allowing the state to control our land.

But the point which sticks in my mind is that it will not do any harm to anybody, to allow this resolution to pass. Let this amendment go right along, and give the Legislature a chance to pass a law; and then let our Forestry Commission, whose business it is to look after our forests, try to work out some scheme for preserving our forest, and to do this in a way which will not relieve our forests of their tax burden but make them pay their full share ultimately and in the meantime, keep our small growth from being cut.

Then, if we do not adopt the provision of this law individually any faster than they have in Massachusetts, there will be a chance for another Constitutional Convention, if the law works badly, to rip it all up. This resolution will give us a chance to try it. I cannot see where there is any great harm in putting this thing through, any more than there is to toss a rubber ring to a baby to cut his teeth on. It cannot do any harm and it may do some good.

MR. DUNCAN of Hancock. The gentleman who spoke of the cutting off of the watershed which supplies the Suncook Valley, as I understood him, that was ripe timber. Now, this proposed arrangement to tax that in excess of the usual value would rather encourage cutting that off, it seems to me. I don't think it would save that lot because it would be taxed even higher than it had been taxed.

He also gave you his experience in cutting small lumber, and that he lost money; the mill man lost money, the saw man lost money, and they all lost money. Therefore it seems to me he wouldn't go to work and cut a great deal more small timber under the conditions as they now exist.

Now, we have spoken of the Legislature doing these things and encouraging the reforestation and planting of pines. I have heard considerable talk about that. At the present time, if a man sets out a plantation of young pines he only pays one-tenth of what it would be naturally assessed for. It is assessed at what they claim is the value, and then there is a rebate of 90 per cent, I think, the first ten years, and then 80 per cent the next ten, and so on. The Tax Commission in-



formed me of that. So there is quite an encouragement for a man to raise pines under the conditions as they are now.

A great deal has been said, and one of the last speakers said, that if a young lot was taxed at its full value, it amounted to confiscation. Now, that would be taxing it more than its value, wouldn't it? What is the full value of a piece of property, of a piece of growing timber or sprout land, as we call it? Wouldn't it be a value that, with the taxes, and a fair interest on the investment, compounded each year, to the time that it is ready to harvest, would give the cost plus a fair profit? We have heard a great deal about cost plus profit, you know, of late years. It is a unique way of letting out contracts, isn't it? And if the selectmen or the assessors in their zeal to tax property its full value—I won't say on the advice or command of the tax commissioners, because I don't think they would do that—if they tax it so high that it amounts in a few years to confiscation that is taxing it way above its value, isn't it?

It has been said we are not going to have any timber in a few years. The same thing was said in the convention of 1912, when one man quite high in authority or in the advice or counsel of the Timber Growers' Association, said that in ten years there wouldn't be a tree left in the State big enough to cut a ten-inch board. We heard the other day what Parker & Young are doing up north. And, by the way, Baker, Ayling & Young, the Boston brokers, in a prospectus sent out a while ago, trying to sell stock for the Parker & Young Company, said they had got 150,000 acres of old growth timber at the present time. That man, when he mentioned what might take place, 8 years ago, didn't prove quite a true prophet, did he?

Why, gentlemen, we are all raising pine now. You can remember, and I can remember, when we would go out after haying, and send the hired help out to cut spruces and pines around the pastures, and clear them up, and burn them, to keep the pastures. Now if a pine comes up somewhere in the middle of your garden, almost, you save it. My men left a pine right in the middle of the mowing one year, and I said, "Why don't you clip that down?" He says, "You wouldn't cut a pine, would you?" I said, "I would there."

Times have changed somewhat. We are all raising pine, and it is growing rapidly. It is something like the man who said that his wife, when he came home at night, used to kiss him

to see if his breath smelled of whiskey; she doesn't do it now—times have changed.

MR. PAGE of Gilmanton. I wouldn't have thought of speaking again, but this gentleman told a whole lot I didn't say, but I am not going to retaliate by telling him a lot that he didn't say. I am reminded of a little story—and I won't be over two minutes.

A gentleman thought he ought to preach, and he went at it and preached his initial sermon before a whole lot of people who ought to be good judges. He said, among other things, that he saw across the horizon the letters "P C," that he had dreamed it. One of the good bishops said, "That doesn't mean 'Preach Christ,' that means, 'Plant corn'."

Now then, if we are going to conserve our lumber the question comes up, What are you going to write across the horizon for our posterity? It is "When?" Then is there any better word to write after that than "Now?"

MR. FOOTE of Wakefield. I come from a farming community; and when this matter was first brought up some years ago, and from that time on, I have talked with the farmers in my vicinity to see what their opinion is. I find, not only in my own town, but in the surrounding towns, that the farmers there are in favor of the amendment as proposed by the committee. I must confess that I was somewhat surprised when I came here and heard the gentleman say that the farmers were against it. Perhaps they are, in some parts of the State, but they are not in my part of the State, and I live in the pine tree belt.

It seems to me that it is conceded here that there is something wrong in our taxation of timber. I believe that the conditions in which we find the timber country today prove that to be a fact. I believe that the methods that are now used in cutting timber, as compared with the methods that were used previous to 1911, show that we are all wrong and that the previous methods were right. It is true, and we all know it, that prior to 1911, perhaps 1912, when the Tax Commission first put in its work, that the selectmen did reduce the valuation on your timber lands. And why did they do it? Because they knew, and they know today, that that is the proper method of assessing timber. They acted unlawfully, it is true; but they acted with rare good judgment; and men who were then operating timber lots where I live, and throughout the county in which I live, did not then strip off everything that there was on the

lots and lay them bare. They only cut the timber that they considered ripe and let the rest remain to grow. They left the seedling pines, so that the land would grow up again to pines. But after the Tax Commission imposed the burden on the assessors, as they should have done, to live up to the law, then you found a different method of cutting. After that took place, every stick that would cut a 2 by 2 was cut down and the land left bare.

You confess here that our present method is wrong. I ask you, how are you going to right that wrong unless you give the Legislature the power to right it? You cannot right it here. You can only open the door here, and put at that door proper guards. If you keep that door closed, as some of you want it kept, your timber is gone, and one of the great things that makes the beauty of our State is wiped out of existence. You confess to yourselves that there is something wrong here. Then why don't you open the door that the mystery may be solved and save your timber?

MR. BEEDE of Meredith. Mr. Chairman, I came down here to listen and to vote, not to talk, but there is just one thought that has come to me in connection with this discussion. I was much surprised, like the gentleman who preceded me (Mr. Foote) and who comes, like myself, from the pine belt around the big lake, Winnepesaukee—I was much surprised when I got down here a year ago last June to find so many of the farmers opposed to making this change in regard to the taxation of pine timber. So far as I was able to discuss the question with the farmers of my community—and I come from a farming community—it was generally favored.

Now, this is the thought which I wish to bring out. I recall years ago, when I was a lad, about the time that the law was passed allowing the exemption of manufacturers, that it was done to encourage manufacturing in our State. I remember in our old town meetings the farmers used to oppose that law, they were bitterly opposed to it. Now, I have a great appreciation of the farmer. I have been dealing with farmers all my life. In fact, I come from farming stock, and perhaps I ought to have been a farmer myself. I am, perhaps, if keeping a cow and a horse and two pigs, and having a hundred acres of land, entitles a man to be called a farmer. But I think that sometimes, in my experience with farmers—I have found them honest, strictly honest—but inclined to be prejudiced. Now, we

started out years ago with this idea of encouraging manufacturing, but I don't think they need it today. For the last few years the manufacturers have been coining money. It seems to me that if there is any man who needs encouragement at the present time in legislation it is the farmer, and I am willing to give it to him.

I believe that this matter, if we arrange it so that our Legislature can pass laws that will encourage the growth of timber, will be one of the best things that can be done for the State, and in years to come our sons and grandsons can look back, as we look back on that principle which was adopted years ago of encouraging manufacturers, and say that this Constitutional Convention did a wise thing for the State of New Hampshire.

MR. EDGEELY of Tuftonboro. Mr. Chairman, after the very glowing newspaper reports, giving me such a broad advertisement in New Hampshire—especially in regard to my bald head—I can hardly resist the temptation to speak a word at this time, not in favor or in opposition to the measure, but my own viewpoint.

The gentleman who comes from a town in my county, who has recently spoken here, speaks of the attitude the farmers are taking. Now, I wish to emphasize the fact of the difference in the method used now in operating wood lots in our section—timber lands—from that formerly followed. It used to be the custom—and we have an illustration in my own town—where a gentleman has been logging for 40 years off of the same farm almost every winter, going through parts of that farm land and taking out and drawing to the shores of Lake Winnepesaukee good timber. The method used at the present time, when the portable mill comes onto the lot, is that the buyer farms out the chopping of the timber and the drawing of the logs, and it is absolutely necessary, so far as the business end of it is concerned, to cut clean. That is why this small timber is put upon the market. You can't get a wood chopper to go into the woods and cut timber and leave the small trees, because they are in the way, you can't get a man to draw the lumber unless there are paths made all through there, and that is why these tracks are made up and down the mountain slopes.

We have in Lake Winnepesaukee an island which was once an ornament to that section of our State. Men sailing across the lake would look up to this high land, known as Rattlesnake

island, covered with pine and spruce and a hard wood growth. You look at that Island today and it looks like a crater looming up in the midst of our beautiful lake, as white as the snow covering the body of the lake itself.

It seems to me that this whole thing is a question of education. I have stated here, before this Convention and in committees, that I am opposed, as a farmer, to any exemptions. I am. I believe we want a fair and equitable distribution of taxes, and that our property should be so arranged that each should bear his proportional part. I use the word "proportional." It is all right, it is a good word. But I cannot see any way that will carry out the objects of this bill or resolution better than education, where the small farmers will begin to reforest their small farms, and in a few years will have thousands and thousands of pine trees growing all over New Hampshire. The gentlemen in favor of this resolution say it will be a term of years. They are afraid to trust to the Legislature the care of our taxation problems. And now they admit here, with a great deal of temerity, that this measure, if it carries anything into effect, will be a term of years before it will be worth anything to the farmers of New Hampshire, and we will all be dead.

So as a matter of fact, in my opinion, we want to distribute the burden of taxation. I don't know how; the gentleman on my right doesn't know how. It is a problem, but it does remain for future generations to arrange for this.

In 1903 the valuation of my town was less than \$400,000. Now it is something over \$800,000. We attribute this to the coming into our town of a foreign population—not a resident population. At the time I first mention, our non-resident population was very largely on the mountain lands which were assessed for taxation purposes at \$2 an acre, or \$150 per 100 acres. That was back a little while ago, 17 or 18 years ago. I am not sure but what it was all they were worth. But today we have coming in, all around the shores of our Lake, a large non-resident population. One gentleman brings in his intangibles as \$100,000, which is the reason for this large advance in my town, which is Tuftonboro, where we have several miles of lake shore front, and this property is distributed almost along the entire lake front of our town.

These gentlemen, these men, are jealous of the forests on that shore line of Tuftonboro; and as long as they live, or any

of their descendants who occupy those homes, we need not fear any demolition of the forests that they hold there. The portable mills are working on the back lands and stripping them, but there is a whole lot of pine timber in Tuftonboro today that the owners will never permit the portable sawmill to enter upon those lots. My son and myself have 25 head of Hereford cattle tied up in our barn; they are not worth as much today as they were a year ago. I have heard it remarked that many a poor farmer does this same thing—keeps his cattle a year—as was done under Cleveland. We kept our cattle then a year, and they weren't worth as much at the end of the year, because of the depreciation in value. This is true of the stock in my barn. It is not true of the timber which I own outside. As farmers, we have to even up the thing. We are not going to offer our stock, we are not asking for a reduction in taxation, although I have cattle that are taxed for more than they would sell for today. But I rather like to look at them, and I am not going to abandon the farm. I would rather do something else, if possible, to carry it on—take summer boarders—and in that way, gentlemen, let us advertise, let us enlighten, let us educate, that every farmer, all over New Hampshire, may set out trees to take the place of those in part at least, that he cuts off. I thank you.

MR. HOYT of Sandwich. Mr. Chairman, gentlemen of the Committee: I am in favor of Resolution No. 22, naked or clothed. The principle is there, and I am in favor of it. I want to say that I am in favor of it, because it does not say exemption—it says reduction—on your growing wood and timber.

I want to say to the gentleman from Hancock (Mr. Duncan) that there is no interest back of me but the farmer. I am a farmer pure and simple, and live upon the farm where four generations of the same family have lived. We have always had growing wood and lumber. I have planted a tree, and cut it, and sawed it, and I have studied the problem. I am intensely interested in this. I want to give you a few facts, concerning my own town, which is a farming town.

Thirty years ago we had three times the people we have today living there, probably three times the number of farms. Never in the history of my town was its valuation so high as it is today. That is because the wood and the lumber has increased in value at a rapid pace of late, but that is in danger.

MR. NEWELL of Alstead. Mr. President, I think all those that could get here at ten o'clock should rise, so that we can see how many can be here at ten o'clock rather than at eleven, and see whether it is a minority that cannot be here until eleven.

THE PRESIDENT. By unanimous consent, those who can be here at ten o'clock will please rise.

THE PRESIDENT. It had better be understood that those standing not only can be here at ten o'clock, but will be.

MR. TOBEY of Temple. See how quickly the majority fades away when you qualify it.

THE PRESIDENT. I notice it. Those who cannot be here or do not desire to be here, until eleven o'clock, please rise, in an informal vote.

THE PRESIDENT. The ten-o'clock men seem to have prevailed. Now, upon the resolution of Mr. Metcalf of Concord, in substance, that this Convention come in at eleven o'clock instead of ten, by unanimous consent another vote can be taken.

In the absence of objection, the President took another *viva voce* vote.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Lyford of Concord, the Convention resolved itself into Committee of the Whole for the purpose of considering Resolution No. 22 in new draft, Resolution Relating to the Taxation of Growing Wood and Timber.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Tobey of Temple in the Chair.)

MR. KENNISON of Ossipee. Gentlemen of the Convention: I listened with a great deal of interest to this discussion yesterday, and it appears to me that there are two or three items that have not been touched upon. I have understood that the fundamental principle upon which this proposition was being worked out was conservation, but I have not seen or heard a single item or figure or fact or any data upon which



that actual conservation would be worked out. For that reason it does not sound promising. But even assuming that on the fine spun theory of sentiment or of the asthetic it might be worked out, let us see how it would work out.

I think it is a fair statement to say that the country towns will have an inventory of unimproved land which runs 50 per cent or higher of their total inventory, and that means the kind of property that this amendment proposes to reach. Now if you have any legislation and reduce the amount that is assessable upon 50 per cent or more of the taxable property in those country towns, it means that you have to put it somewhere else. That means that if a farmer has a farm worth \$6,000, and half of it is standing timber, that he gets a reduction on half of it, but that the other half has to go to make up a portion of the balance. The little householder, the little fellow that has his home and has got it paid for, who doesn't have any growth, and who is already bearing more than his fair share of taxation, has got to help make up the difference. It seems to me that when you consider those things that puts a different aspect upon this proposed amendment.

Again, I am unconvinced that when you put a special tax, a sort of a premium, upon that lumber, when it is cut, the result is going to be that the farmer cannot sell his growth for as much to the man who buys with that tax in front of him as he could under the present regulations.

Again, if your lumberman buys that timber after the first day of April in any one year, and saws it and gets it out of town before the first of the following April, I don't understand where your town is going to get that premium tax on that particular growth to make up the discount they have had in the meantime.

MR. RUSSELL of Peterborough. Mr. Chairman: It appears clearly, it seems to me, that the majority of the arguments against Resolution No. 22 are based on a false assumption. This assumption is, that if the resolution is passed, the Legislature will impose an unjust and unfair system of taxation upon the citizens of the State. The voters of the State must also pass upon this resolution before it becomes a fundamental law. It is inconceivable that they will, at the same time, elect lawmakers who cannot be trusted to be honest and fair and just. It is only through injustice that this resolution could harm anybody.



WEDNESDAY, JANUARY 21, 1920.

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Timber, having considered the same, reported progress and asked leave to sit again.

The report of the committee was accepted and leave granted.

On motion of Mr. Barton of Newport, the Convention adjourned at 4.31 o'clock.

#### AFTERNOON.

The Convention met according to adjournment.

On motion of Mr. Callahan of Keene, the Convention adjourned at 4.33 o'clock.

WEDNESDAY, JANUARY 21, 1920.

The Convention met at ten o'clock according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal of the preceding day having begun:

On motion of Mr. Lyford of Concord, the rules were so far suspended as to dispense with the further reading of the journal.

On motion of Mr. Callahan of Keene, the Convention took a recess until eleven o'clock.

#### AFTER RECESS.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Johnson of Laconia for the remainder of the session on account of important business.

COMMITTEE REPORTS.

Mr. Buxton of Boscawen, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 14, Resolution relating to Bill of Rights, having considered the same, reported the same with the recommendation that the amendments as proposed in the resolution be adopted by the Convention.

The report of the committee was accepted.

The question being on the recommendation of the committee,—

On a *viva voce* vote the resolution was adopted.

The resolution was referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

Mr. Haslet of Hillsborough, for the Committee on Legislative Department, to whom was referred Resolution No. 27, Resolution in relation to the Taxation of Property when Passing by Will or Inheritance, having considered the same, reported the same with the recommendation that the amendments as proposed in the resolution be adopted by the Convention.

The report of the committee was accepted.

The question being on the recommendation of the committee,—

On a *viva voce* vote the resolution was adopted.

Mr. Lyford of Concord offered the following amendment:

Insert the word "classified" before the words "created and progressive."

The question being on the amendment of Mr. Lyford of Concord,—

On a *viva voce* vote the amendment was adopted.

The question being on the adoption of the resolution as amended,—

On a *viva voce* vote the resolution was adopted.

The resolution was then referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

Mr. Spaulding of Manchester, for the Committee on Legislative Department, to whom was referred Resolution No. 17, Resolution relating to Limitation of Taxation, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

Mr. Brennan of Peterborough, for the Committee on Legislative Department, to whom was referred Resolution No. 11, Resolution Creating the Office of Legislative Draftsman, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution on the ground that it is a matter for legislative action rather than for Constitutional amendment.

The report was accepted and the resolution of the committee adopted.

Mr. Woodbury of Woodstock, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 4, Resolution relating to the Duties of the Governor, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Future Mode of Amending the Constitution, and Other Proposed Amendments, to whom was referred Resolution No. 10, Resolution relating to an Alternative Method of Amending the Constitution, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Future Mode of Amending the Constitution, and Other Proposed Amendments, to whom was referred Resolution No. 13, Resolution relating to Future Mode of Amending the Constitution, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

Mr. Emerson of Milford, for the Committee on Future Mode of Amending the Constitution, and Other Proposed Amendments, to whom was referred Resolution No. 8, Resolution relating to Future Amendments to the Constitution, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

The Committee on Future Mode of Amending the Constitution, and Other Proposed Amendments, to whom was referred Resolution No. 3, Resolution relating to Mode of Submitting Amendments to the Constitution, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report of the committee was accepted.

The question being on the resolution of the committee—

On motion of Mr. Duncan of Jaffrey, the resolution, and accompanying report, was laid on the table and made a special order for Thursday, January 22, at 11.01 o'clock.

Mr. Streeter of Concord, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 12, Resolution relating to the Governor and Council, having considered the same, reported the following:

WHEREAS, That Mr. Tyng of Ashland, the introducer of the resolution, appeared before the committee and asked leave to withdraw his resolution and assent being unanimously given by the committee—

The committee reported with the following resolution:

*Resolved*, That Mr. Tyng of Ashland be granted leave to withdraw the resolution.

The report was accepted and the resolution of the committee adopted.

Mr. Lyford of Concord offered the following resolution:

*Resolved*, That the Secretary of the Convention be instructed to have printed and distributed to the members of the Convention 1,500 copies of the statistical table prepared by him relating to the matter of the reduction of the House of Representatives. And, further, that the Secretary shall also cause to be printed and distributed any other table that any members may desire to have printed relative to the same subject matter.

The question being on the resolution—

MR. LYFORD of Concord. The most important question, or as important as any question that has yet come before the Convention, is the question of the reduction of the House of Representatives. I prepared a resolution, which I introduced yesterday. I think that the sentiment of the Convention is in favor of a reduction of the House. To secure the vote of the Convention, and the ratification of the people, there must be mutual concessions between the country towns and the manufacturing towns and cities.

Heretofore I have opposed increasing the ratio for the additional representative more than twice. I am prepared at this time to go a step further, although I represent a city, and to make the increasing mean three times what it takes for the first representative. The resolution that I have introduced changes the basis of representation from inhabitants to votes cast in a presidential election, and provides for a reapportionment of the representatives every twelve years. We have now a reapportionment on the basis of population once in ten years, after each Federal census.

If we took the average number of votes to population, 600 population would give 120 votes, or, as it would average through the State, 125. Double that number for additional representatives would be 250. This will make no reduction of the House; nor will the reduction, if you take 125 and increase it three times, secure what I think is the desire of this Convention. But if you will make the basis 150 votes for the first representative, and three times that number, or 450 for each addi-

tional representative, you will secure a reduction of the House of practically 100 members.

Under the plan I propose there will be a larger reduction from the manufacturing centers proportionately than there is from the country towns, owing to the alien population of the manufacturing centers. This can be cured by the manufacturing centers by the education and Americanization of their aliens in the course of time. Under this plan you would get a House of about 307 members, including the representation from the pro-rated towns.

I do not desire to discuss this plan at the present time; but at the meeting of the committee on Legislative Department I submitted it more in detail to its members, and, with that submission, I presented tables which will be of value to you, whether you desire to support this resolution or not. These tables will show the towns and wards by counties, the population of each at the last census in 1910, the number of votes cast in each town and ward in 1916, the last presidential election, the present membership of the House, the pro-rated towns as they exist, what the proposed plan will give as a membership for each town, and the pro-rated towns under the proposed plan.

Now, as these are the only tables that have been prepared—and they have been prepared by the Secretary of State and his deputy and myself, working nights and Sundays when this Convention was not in session—as these tables will be of value to you whether you approve this plan or not.

On a *viva voce* vote the resolution was adopted.

Mr. Metcalf of Concord offered the following resolution:

*Resolved*, That the hour of meeting for this Convention in the forenoon shall be eleven o'clock instead of ten hereafter.

On a *viva voce* vote the negative appeared to prevail.

Mr. Metcalf of Concord called for a division:

MR. METCALF of Concord. Gentlemen, it is manifest from all the proceedings heretofore that it is impossible to do business in this Convention between ten and eleven o'clock, and it seems to me that it is useless and senseless to make the hour of meeting ten o'clock, and come here, a few of us, who sit around during a recess for an hour, waiting for the train from Portsmouth and elsewhere to get in, so that we may have a quorum in this Convention to do business.

It seems to me that some of us who come here and wait during that hour might better be engaged in sawing wood than in putting up Convention slates, and so forth. I am sure we could really accomplish more business, or as much business, starting in at eleven, as we can by coming here at ten and listening to the Chaplain's prayer. And, by the way, I want to say here that the people who need praying for as much as anybody, if not more, are those who do not get in until eleven o'clock.

MR. TOBEY of Temple. Mr. President, may I offer a suggestion to the gentleman? I thought he was going to say that it was those people from Portsmouth who needed praying for.

MR. METCALF. I won't particularize, but if they want to put the coat on they can. I think if the Almighty takes any note of the proceedings in this Convention it is not until after eleven o'clock, and I think that prayers offered in public are of no use except for their effect upon the hearts of the hearers, and the prayer by the chaplain to a handful in the morning really, before the majority get in, is of very little value. We want to have this prayer take effect in the hearts of the whole Convention. It won't move the Almighty a particle, but it may do some good to the hearers.

MR. LYFORD of Concord. Mr. President, I think that the Convention misunderstood the motion. There is no doubt that the gentleman's motion is for the conservation of time. I leave alone his supplications to the Almighty. If the Convention does not meet until eleven o'clock, and that is the time when we have a quorum, and not before, it will give an opportunity for the committees of the Convention to meet at from ten to eleven o'clock. I think that, by unanimous consent, a *viva voce* vote might be taken again.



We have a lumber company there that owns 12,000 acres, Parker & Young, who have been referred to. They are cutting away that lumber, at the rate of five millions per month; it will soon go. Any measure that we enact here, if we adopt this resolution, would not affect them a penny's worth, because on the land they own the timber is ripe, it is grown, it is mature—it is not growing lumber—and that will be cut away.

The next largest owner of timber land, of growing wood and pine land, in our town, are some down country people, some brothers, who have come in there and bought up probably 5000 acres of growing wood and lumber. They have got plenty of money. They are interested in seeing it grow. They have a portable mill that they are operating themselves. They are not selling to lumber companies. It probably costs them \$2 to operate that lumber in that mill for every \$1 that they receive in return, and we want them to keep there. Now they are complaining somewhat at the taxes, because we are valuing it so high. They have got plenty of money; but yet they are watching us all the time; in fact, we have had a lawsuit with them and they have beaten us, because we valued it so high. If we discourage those people by this high valuation they will drop it as quickly as possible, sell it to the lumbermen, and it will be cut off.

Now, if we can legally reduce the valuation, as our people would like to have it done, and keep the lumber growing for a space of ten or fifteen years, we will get far more from it than we will to tax it for every dollar it is worth, with the result that it will be cut off in a year or two, in my opinion.

Now, I say, let us encourage by reducing the valuation, keeping it growing ten, twenty, thirty, forty or fifty years, increasing in value each year. If we allow the Legislature to pass laws I should hope that they would limit the area that any one individual or corporation owns to perhaps 50 or 100 acres so that the little farmer, the little land owner, may keep it, and he be equally benefited with the large corporation or the larger interest.

From the standpoint of a farmer, from one who is interested in the farmer and always has been, from one who has been an assessor quite a good many years in my town and know something of the effect of this high valuation, I want to tell you another thing. When I left my home and came to this Convention I looked out over an area from my door of probably

five miles, and I saw the smoke from five portable mills, cutting away at our pine lumber. Three of them ought not to be there, because it is growing timber, growing at its very best. Two of them would not be there, in my opinion, if it were not for the high valuation, and of course the high price, too. But in my opinion, from my experience, I believe that the price never will be any lower.

I say three of them ought not to be there, and two probably would not be there if it were not for the high valuation. I certainly hope that the motion before us will not prevail, and that Resolution 22 may be adopted, allowing future legislatures to pass laws whereby we can legalize the acts of some of the selectmen of some of our towns of the State.

MR. TYNG of Ashland. Mr. Chairman and gentlemen: I want to have one minute to say a word, as a man who knows nothing whatever about forestry. We are not supposed to be foresters here. The work of a Constitutional Convention has in itself nothing whatever to do with a question of this kind. We have heard opinions expressed from one side and opinions expressed on the other side, and a great many of us do not know which side is right and which side is wrong, and there seems to be a kind of equality between the two. Now, if there is an equality between the two, and if this is a question which is not properly within our knowledge, at any rate, if not of our jurisdiction, then the only thing to be done is to leave it to the Legislature. It is to them that this belongs. It seems to me we are spending a great deal of time in discussing, not a constitutional question but an entirely different one. I hope we shall get through with it and go on to our other work as soon as possible.

On motion of Mr. Lyford of Concord, the committee arose to report progress and asked leave to sit again.

IN CONVENTION.

(The President in the Chair.)

Mr. Tobey of Temple, for the Committee of the Whole, to whom was referred Resolution No. 22 in new draft, Resolution relating to the Taxation of Growing Wood and

A further falacy has run through the arguments. It is this: that if a reduced tax is placed on growing timber land, the burden of taxation will be shifted to farm lands and city property. The reverse is true. If growing timber is not protected and encouraged, New Hampshire will, comparatively soon, have thousands of acres of almost valueless waste lands, and it is then, and then only, that the farm lands and city property must bear an increased burden.

The result of this resolution, if favorably acted upon by us, then by the voters at large, and finally by a legislature, will be not only to check the destruction of taxable property, but also to actually increase it. The real value of the State's resources will be constantly increased and thereby directly benefit all citizens.

The argument reiterated over and over again by the opponents of the measure before us, that under the present system, lots of full-grown timber, taxed for a few hundred dollars, have recently been sold for thousands of dollars, if pushed to its logical conclusion, is an argument in favor of the measure. Under Resolution No. 22, such lots may yield taxes on even more than this high sale value.

There is a dominant fact in the situation which has not been denied by a single voice, nor can it be denied, I believe. One of New Hampshire's biggest assets in direct and tangible dollars and cents, in beauty, and as a protector of our water courses and water powers, is slowly and surely being depleted and destroyed. Under our Constitution, as it exists, the lawmakers are powerless to avert a real menace to New Hampshire's welfare.

It has been said here that our Constitution has stood us well for more than a century. It has. It has also been said here, in a very loud voice, that "the framers of our Constitution took no chances." But they did. They trusted succeeding generations more than the opponents of this measure do. They provided for amendment, and that is why we are here.

It was inconceivable to the men who drew up our Constitution that the time could ever come when the hills and mountains and valleys of our State should no longer be covered with glorious pine and spruce, hemlock and hardwood; and they made no direct provision against the day when these should begin to vanish forever. They did, however, make an indirect provision for just such a situation as confronts us; and they

expected us to exercise this right, or they would not have so provided. The voters of the State have said in unmistakable terms that they wish the opportunity of passing on needed amendments to the Constitution. Have we the moral right to prevent the voters from deciding whether they wish to amend or not?

We are here simply to construct a safe bridge. The voters will say whether or not they wish to cross. What will our constituents say to us if we flatly refuse to build the bridge? They will say we lack courage, faith and vision.

This Convention is no place for preconceived ideas and prejudices. It is a place for open and broad-minded constructive work.

In this particular issue there are just two fundamental facts: First, one of the great natural resources and assets of the State is in danger. Second, our Legislature is in a straight-jacket and powerless to act. Shall we quibble over the remote possibility that some neighbor may some day be unjustly taxed, or shall we be statesmanlike in our small way and say to our constituents:

"Here is a resolution that if passed by you will tell our law makers that the welfare of the State, and thereby also the Nation, is in danger; that will tell our law makers that the cords that bind them are loosed; and that they must go forward and meet the danger like men."

Do not let New Hampshire lag behind her sister States. Let her lead them!

MR. JOHNSON of South Hampton. Mr. Chairman and Delegates of the Convention: It seems to me that we have heard a great deal of discussion on Bill No. 22 pro and con. Inasmuch as it has to do with the rural communities rather than the large cities of our State, I would like to know something of what the people representing the rural communities think of this bill. When you come to classify timber I think that you are making a great mistake, for this reason. The County and State taxes are adjusted according to the valuation in these various communities. When you change the valuation it seems to me that you are going to upset the plan of the adjustment of the County and State taxes. I do not believe that the people who are here representing the cities of the State, like Manchester and Nashua, Concord and other cities, have any disposition to crowd this resolution through if it is obnoxious to the farm-

ing communities. You are not growing heavy timber down in Manchester or Concord or any other city, and this matter relates itself to the country.

For that reason, I would like by the consent of the Chairman and the Convention, to ask to do a thing perhaps that is a little unusual. I would like to get an expression of the farmers here and those representing the farming districts. I don't care whether they are lawyers or teachers or preachers or what not. If you are representing the farming districts, that is, where farming is the chief occupation, I should like to get an expression from that class of people in the Convention. And, with the consent of the Chairman of the Committee, I would like to ask all those that are here as farmers or representing a farm community—

MR. SNOW of Rochester. Gentlemen of the Convention: I am a member of the Legislative committee which reported this resolution for favorable action to the Convention. As I listened to the talk in the Convention when this question has been prematurely brought up during the course of other discussions, and as I have listened to the discussions here, I am impressed with the fact that there is a misapprehension on the part of some members at least as to the real purpose of the propounders of this proposed amendment.

The discussion on the part of some members has proceeded on the theory that the object of the proposed amendment to the Constitution is to exempt growing timber from taxation, especially in favor of timber operations and timber barons as they are called. In justice to those propounders, and in justice to our committee, which gave this matter very careful consideration, I want to assure you that there is nothing farther from their real purpose or their expectation. The purpose is stated in the resolution itself, namely—first, to prevent the premature cutting of growth; and, second, to protect the sources of our streams. In so far as there may be as a result, a reduction of taxation upon such timber as may be submitted to this provision, it is purely an incident and only commensurate with the restrictions imposed. I will come to this a little later.

But, gentlemen, we are here for the purpose of considering an amendment to our constitution. To be sure we cannot do other than state it in general terms. We cannot embody in the amendment itself the details of the legislation which we would

enact under it. Therefore it leaves a chance for this misapprehension. But we have got to have confidence in the Legislature. As the gentleman from Tuftonboro, Mr. Edgerly, stated only last week upon this floor, he was willing, so I am willing, to trust the Legislature.

Gentlemen, this house is not unlike the House of Representatives, which sits here every two years; and I want to say to you, that any proposition which would not appeal to us would not appeal to them. Let us suppose for a moment, that this amendment had been adpted by this Convention, had been submitted to the people and ratified, and this body today was the House of Representatives considering legislation under the proposed amendment. I want to ask you what chance do you think a proposal to exempt from taxation the holdings of timber operators or timber barons would have of passing this house? It would not have, gentlemen, the chance of the proverbial snowball in the hot place. I think I am safe in saying that it would not get one vote out of the 427 voters who are members of this Convention.

Why do we worry about the Legislature being carried off its feet and proceeding to do exactly what the propounders of this measure intend should not be done? In other words, I ask you, first, to have confidence in the Legislature, that they will try to carry out, and not pervert, the purpose which we have in mind.

Now, gentlemen, this brings me to the point to which I particularly wish to draw your attention. There has been one serious objection raised to this amendment, and only one, that I have heard. It has been raised by the farmer interest in this Convention. I believe it has been honestly raised, and that the farmers should be rightfully disturbed about it, if it were valid. They are entitled to an answer to the question raised, and, gentlemen, I think that there is a good answer. I will try to state it.

In speaking to the farmers—and I am led to speak at this time by reason of the remarks of the last speaker—in speaking to the farmers, I want to say that I have great confidence in their honest action. I have been arguing jury cases for a quarter of a century, and the juries from whom I have felt that I got the closest attention and the most honest expression of judgment, have been the juries drawn from the farm-

ing communities; and I think that most any lawyer who has had experience will tell you the same.

Now the thing that has apparently troubled the farmers here has been the fear of the transfer of a burden by reason of the lessened taxation on timber to their shoulders, and to the small property owners, as was voiced here through the gentleman from Ossipee, Mr. Kenison. As I have stated I think there is a sufficient answer to this, if we will but consider what the Legislature would probably do under this proposed amendment; and in order to illustrate, I want to draw your attention just for a moment, if you will bear with me, to what our sister States have done under a similar enlarged constitutional powers, as indicating what our legislature is likely to do. I know of no other way to make it plain.

I understand that there are fourteen states that have passed legislation under enlarged constitutional powers such as we propose, regulating the cutting of timber. Of those states there stand foremost Massachusetts, Connecticut, New York and Pennsylvania. These States have suffered from the inroad of timber cutting earlier than we have. They have been forced to action, gentlemen; it hasn't quite reached us yet so that we feel the pinch as they did. They have been forced to action, and they have acted.

Now, in order to explain what I mean I propose to call your attention to the salient features of the act that has been adopted by the Legislature of Massachusetts, and this for three purposes. First, to show you with what conservatism a New England Legislature approaches the subject and how the legislatures can be trusted. Second, to show you that timber operators and timber barons cannot get one particle of benefit from the legislation; and, third, to answer the question raised by the farmer interest that is to show you that it does not transfer the burden to the other property owners. Now, if I can by discussion of this act transfer my thoughts and conclusions clearly to your attention I shall have accomplished the purpose at which I am aiming.

Now, let us see what happens. Under that act in Massachusetts no timber in the Commonwealth becomes subject to the act except it be voluntarily submitted to it by the owner. Any man who owns three acres or more of wood or timber may file an application with the appraisers to have his timber assessed and classified. The moment that he does that he submits his timber

to the operation of the act. He may not agree with the assessors as to the valuation, but that at most is merely a matter of appeal to the Tax Commission. He has irrevocably submitted his timber to the operation of the act, and the assessors go ahead then to assess and value the property submitted. They divide it into its constituent parts. In the first place, the buildings, if any, are separately valued, and they are assessed like any other real estate. In the second place, the land, as distinguished from the growing timber, is appraised for the purposes of the act. It is appraised for its value for the most valuable purpose to which it may be put. I am speaking of the land alone. If it is more valuable for pasturage, if it is more valuable for wheat growing, if it be more valuable for timber raising, whatever it may be, its value is fixed. Then the timber is separately valued.

Now, when the timber land and timber have been classified, that classification, gentlemen, is recorded in the Registry of Deeds and becomes an incumbrance on that piece of property just as much as though the owner had mortgaged it to the State of Massachusetts. That is, he has bound it to all the terms and conditions and incumbrances of the forestry act. That is the way the legislature of our sister State has acted, that is the way the Legislature in this State would most likely act.

Now, in order to bring home the point which I wish to make, I must point out to you, first, the advantages which the timber owner received under the act, and then I want to point out to you the disadvantages which he suffers. The only advantage that the timber owner gets under that act is such reduction in taxation as he may secure. In the first place, he pays three kinds of taxes on that land and timber; one the tax on the land, called the land tax, which, as I say, is appraised for the most valuable purpose to which it may be put. Now, the town does not lose that. That is the first thing. Of course the ultimate purpose is to let the timber pay the timber tax when it is cut off; but the Legislature of Massachusetts wisely considered, as the Legislature of New Hampshire would wisely consider, that the towns in which that timber is situated could not afford to get along in the mean time without the current taxation of that timber.

So what did it do? And here, gentlemen, is the answer to your question. Let me say first that that act went into effect



in the year 1914. They provided that the value of all the land, all the timber, that was submitted under this act, should continue to be taxed so as to yield a tax for the town the same as it did in 1913, and that it should be carried for purposes of taxation year after year so as to yield the same annual tax without increase or decrease. Of course I should explain, perhaps, that that means that all of the land, all of the timber, in a given town, which is submitted to this act, which yielded, we will say, a given amount of revenue to the town in 1913. Now, that same timber, under the provisions of the Massachusetts act, continues to yield exactly the same revenue in 1914, 1915, 1916, 1917, 1918, 1919, 1920, and so on until it is cut off. This tax is called a commutation tax, and this is the second tax.

Now, the third tax which the timber pays is a forest product tax, which is paid when the timber is cut off. This is the ultimate purpose of the act, and, once it has got going, the forest products tax will be the sole tax outside the land tax. When the owner of the timber settles, at the time he cuts the timber off, then, gentlemen, he gets credit for the commutation tax that he has paid out, in the meantime, and the balance goes into the treasury of the town, except that I think in Massachusetts one-tenth of it goes to the Commonwealth.

Now, gentlemen, if you have followed me, you can see, first, that no timberland in the town is affected, except that which is voluntarily submitted; that it continues to pay a tax at the value it was assessed the last year before it was classified; and when it is cut off it pays a large tax, upon which is credited the intermediate current tax paid the town in the meantime. In other words, there will be no transfer to your property or the other man's property of any burden, whatever.

Now, let us pause right here for a moment. If this act is not received favorably, and no timber is classified, nobody is hurt, is there? Not a single person in your town would be affected by it if there wasn't a piece of timber classified in your town, would there? Now, the more there is classified in a town, the more will be growing, there, won't there? The result would be, if it ever has any effect at all,—if the taxation system works at all,—that you will get more taxable property, and instead of having a burden thrust upon you, you will be relieved to that extent.

Gentlemen, a study of the act of Massachusetts has proven that to me. I do not think there is the slightest doubt about

it, or any escape from my conclusion. As I stated in the beginning, all I think that my farmer friends in this Convention require for their favorable vote is to be convinced of the facts, that, instead of having thrust upon the other property in town an additional burden, you will go along during the course of this act, while it is being put in force, with exactly the same taxable property you had the year before it went into effect, and as time goes on that you will gather more and more valuable taxable timber in your town, and ultimately decrease the burden upon the other taxable property instead of increasing it.

Gentlemen, these are the methods of taxation, and the only advantage that the timber owner gets out of it is such reduction as he gets in his taxation in this way; that is, the total of all these taxes, land tax, commutation tax and forest products tax, is probably somewhat less than he would pay if he paid year by year the local taxes on his property at the regular rate, at its full value as it increases in value year by year. These are all the advantages he gets.

Now, let us look at the disadvantages, which he suffers—and as I recite these disadvantages I wish you would be thinking of this: gentlemen——. How many timber operators and how many timber barons do you think will submit their land to the conditions of this forestry act, when I tell you what the conditions are on which it is submitted? In the first place, the owner who submits his land must give the assessors notice before removing any wood or timber, so that it may be assessed or appraised. In the second place, the owner of the land which has been submitted must send a report to the assessors every year at a stated time of the amount that he cuts off, and the value, and he can cut off only \$25 worth for his own personal use; otherwise it all has to be reported, and on this he pays the larger tax, known as the forest product tax. Third, once it is submitted he has got to keep it working, gentlemen. If there are any bare places on it he may be required to set out trees or sow seeds. Now consider this and tell me how many timber barons of the north, or how many of the timber operators of the south would accept the act? This is a complete answer, gentlemen to the suggestion that timber operators will be benefited by the act.

Now, let us look at the next requirement. When he cuts off his whole crop, the owner has got another burden, he has to reseed it, and he may do that in one of three ways. He may

leave sufficient seed trees scattered through the area so that they will certainly seed the land, or he may plant trees, or he may sow seed; but at the end of three years, if he hasn't accomplished the purpose, he may be required to reseed it. Tell me how many of the timber barons of the north and how many of the timber operators of this State would voluntarily put their lands under that kind of a law, where they are operating tens of thousands of acres.

I submit to you, gentlemen, that there is no fear of any exemption under this constitutional provision in favor of the timber operators and timber barons—none whatever.

Now, when he cut his crop, the owner has got to remove the slash, so as to protect all of the adjoining owners from fire. Tell me how many of your timber operators will do that.

In other words, all of these things, the removal of slash, the reseeding and the planting are imposed by the act, to be done under the direction of the forester of the State.

Now, gentlemen, there are three points that I hope I have made. The first is, that the legislatures of New England can be relied upon to act for the people under such an amendment. The second is that the timber operators and timber barons can not get any advantage out of the act. The third is that the burden of any reduced taxation is not transferred to the other property owners in town because the tax is not changed until the time when, from the sale of the product, it can be all paid back, and more come to the town besides. Gentlemen, if I have driven these facts home, if I have made myself plain, if I have got into your minds what I have in my own mind and what I believe to be true, I have accomplished all the purpose that I have attempted; and I am going to ask my former friends in this Committee of the Whole, if you believe I am right, if I have answered your question,—I am going to ask you to support this measure. I believe it is right. I believe if you understand it that you will be for it. I thank you.

MR. EDGERLY of Tuftonboro. Mr. Chairman, I would like to ask the gentleman, he has made such an elaborate explanation of this law, if he knows how it is working, what it has done for the State. I would also like to ask if he knows that seed pine trees will not seed in three years under ordinary conditions; and, also, what the product tax is. The first is how it is working, to what extent is it working; and if he knows that leaving his pine trees in any given area it will not reseed in three

years under ordinary conditions; and what the product tax is.

MR. SNOW of Rochester. Mr. Chairman, I am very glad to answer any questions that I can. I understand that there are just twelve people in the Commonwealth of Massachusetts who have accepted the act up to date. Certainly nobody has been hurt by it, and they have started on the process. And, in that line, let me add that the president of our Forestry Association of this State stated to our committee that if we can get a workable act that shall be actually accomplishing results in a half a century he will be satisfied. You have got to make a beginning, gentlemen. You have got to have some foresight, you have got to look ahead, and not, like a boy that is passing down the street, be looking in the windows behind you, if you are going to save the timber of your State. That is my answer to that particular question.

Now, the next question. I am aware, and the gentleman from Tuftonboro probably knows better than I, that pine trees are supposed to seed once in seven years. The seed stays in the ground three years, if I am correctly informed; and if the owner happens to cut timber on the year that it is seeding, or either of the two succeeding years, it will seed itself. If he doesn't happen to cut it until the fourth year it won't seed until the third year thereafter. So you take care of your seven years. Have I answered you there, Mr. Edgerly?

MR. EDGERLY. Why, practically; but it is a matter of fact that pine seed lie dormant a long time, until favorable conditions put them in a proper place to germinate.

MR. SNOW. Yes; I understand pine seeds will germinate fairly well if they haven't laid over three years, and therefore if the timber is cut the year of the falling of the seed of course it germinates; if it comes the second year it germinates; if it comes the third year it germinates. If it happens to be cut the fourth year it won't germinate until the seventh year, but new seeds will germinate in the seventh year in any event.

MR. EDGERLY. According to your explanation that would require in the meantime the setting out of small trees, I understood you to say.

MR. SNOW. I understand that it is in the discretion of the forester to use his judgment about requiring reseeding, and I assume he would take into consideration natural laws about reseeding. Now, I think there was some other question.

MR. EDGERLY. The product tax.

MR. SNOW. The product tax in Massachusetts is one per cent for the growth of timber in five years, two per cent in ten, three per cent in fifteen—timber that has stood fifteen years; four per cent of it has stood twenty years, five per cent if it has stood twenty-five years, and 6 per cent if it has stood thirty years or longer, and that is the limit under the Massachusetts act.

I will say this. Massachusetts has gone one step ahead of anything we are asking the people here to do. They have extended their act, not alone to timber growing, but they have extended it also to all timber, mature or otherwise; and I think they are right. If I were framing this amendment myself I would have it apply to all timber, and get just as much under the act as I could get from patriotic citizens.

Just one word, now that I am on my feet again, if I may beg the indulgence of the Convention—perhaps I am knocking down a pin before it has been set up. I haven't heard any objection to the creation of a commission. I have been looking for that. But I would say in Massachusetts this is all operated under the Tax Commission, so far as a Commission has to do with it, and I assume it would be in New Hampshire, and therefore there would be no occasion for any further and new commissions in the State.

MR. PIKE of Lisbon. Will the gentleman from Rochester permit a question?

MR. SNOW of Rochester. It is my pleasure.

MR. PIKE. Have you a copy of the Massachusetts Constitutional provision?

MR. SNOW. I don't think I have. I have a copy of the act.

MR. PIKE. Yes; that is a legislative act, and not a constitutional provision such as we are considering here.

MR. SNOW. Yes; but I will say, for the benefit of the gentleman from Lisbon, Mr. Pike, that I understand that the amendment to the Massachusetts Constitution was necessitated because of similar conditions to ours; that is, it is my understanding that the word "proportional" or some similar words, were in the Constitution, and had to be removed.

MR. HUTCHINS of Stratford. Mr. Chairman, I hold no brief on the lumber business of New Hampshire or New England, neither do I possess any superior knowledge of the psychology of mankind, but I have learned a few things in a business experience of thirty years as a merchant and as a lumberman.

A great deal of this matter, gentlemen, should be approached with consideration, with thought, and not with confusion. We have had nothing but a confusion of statements, except the very lucid description of the Massachusetts law by the gentleman from Rochester (Mr. Snow).)

Now, then, there have been statements made upon this floor that certain statements that have been made prior to this were wrong. I think that all of the statements that were under discussion were true, and it was simply from a misunderstanding. Mr. Eastman, the gentleman from Weare, arose and stated that it had been said the average amount of valuation placed on cut-over lands in the northern part of the State was \$1 to \$5 per acre. This, gentlemen, is absolutely true in most towns. In my own town we place a value of \$3 on the average acre after the wood has been removed.

Then Mr. Amey answered this question, feeling that that was the tax on land on which was growing timber. Mr. Amey made the answer, and a truthful one, that in the unorganized places of Coös County, where there are thousands of acres, the average value on which was \$19. This, I think, is also true. I want to go still further, gentlemen, and state this; that in my own town, on a tract of land of 8500 acres, the valuation is \$37.50, and that is not an exorbitant value. That is simply what it is taxed. And the reason it is not all it is worth is because it cannot all be removed by that owner in one year. This must be taken into consideration in the assessment of taxes upon this class of property. That is the thing to do.

Without discussion, sentimentally, the conservation of forests is correct, just like the old prohibition amendment. Gentlemen, there is no question about the moral right of this situation, absolutely not; and the discussion on that question has been made for the last ten years, leaving out the moral situation, which is correct and conceded.

Now, then, the proposition of conservation is correct, equally; but I take issue with the gentleman who introduced this Resolution in his method of securing it, because you cannot overcome that superstitious, inherent selfishness which exists in us all. I have stated on the floor of this Convention in 1918 a sentiment similar to that, and it was thus: Whatever we are, other than selfish men, it takes an immense effort of this gray matter for us to overcome. That statement seems true; you cannot overcome that tendency wholly in mankind—never can. The

man that possesses the timber is bound to sell it when he can get the greatest price and get it cut the cheapest. The inevitable law of supply and demand and price is bound to influence him.

Massachusetts stands in a very nice position, but when did they begin to occupy that position, not until her timber supply had disappeared and there was none to protect. We, in New Hampshire, here have not arrived at that condition. Gentlemen, we do not need that protection. And from Mr. Snow's own statement, when he tells us that only twelve men in six years have embraced this, for the Lord's sake what value is it? When the State of New Hampshire reaches the position in which Massachusetts found herself when they enacted the Forestry law, then it will be time to talk. Citizens can do the very same thing now. Why, my friend Levin Chase, a well-dressed gentleman, stands up here, never makes a rhetorical error—he could stand up in a debating club and win his case on his looks every time. Here he got the "glad hand." He believes in it sentimentally; that is what he does, without doubt. If he had been arguing this case in a debating club or in a female seminary, there wouldn't be any question; the other side would have been with him. He didn't give us one single argument, but he did give us a lot of fine thoughts that tickled our ears, but didn't pay our taxes.

Now, my friend Charlie Emerson—you just think of what he did. He got up here, and talked very forcefully in a manner a boy would adopt that was displeased with the situation. What did he actually do? When he found that he possessed a timber tract of \$3000 worth, taxed by the selectmen, instead of going to them and arguing his case and saying, "Here, gentlemen, you have over rated that lot, let's go and look it over, let us see it," what did he do? No, he went and deliberately cut it—just like a boy with a playhouse—with which he had become disgusted; he kicked it over, that is exactly what he did. Now, gentlemen, didn't he really defeat the very purpose of this bill, the merits of which he stands upon this floor to defend. Wouldn't it have been better for Charlie, instead of doing that, to have cut out a dozen or so trees, when they were most ripe, drawn them out, and got money enough to pay his taxes—perhaps \$75.00—and still he would have had his forest? Now, as long as he did get provoked, and spilled the beans, he can yet take advantage of his opportunity and make reparation



to the State of New Hampshire and the town of Milford, both of which he has deeply wronged, by just taking advantage of this forestry law whereby it reads something like this:

"In consideration of the public benefit to be derived from the planting and cultivation of timber or forest trees, the owners of any and all land which shall be planted with timber or forest trees, not less than 1200 to the acre, shall be entitled, from and after the first day of April, 1903, to a rebate of the taxes assessed upon said land, as follows: For the first ten years after the land has been so planted, a rebate of 90 per cent of all the tax assessed upon said land; for the second period of ten years after such planting, a rebate of 80 per cent of all taxes, and for the third and final period of rebate after such planting, a rebate of 50 per cent of all said taxes."

Gentlemen, there is a way, and a material way, in which Mr. Emerson, and every other man, can do this same thing. But no; he is like a great many of these agitators that stand up on their feet and drive their argument home, and when you pass the subscription paper to support such a cause, he hasn't a cent to put in. That is the thought, gentlemen, that seems to prevail in the minds of the friends of this measure.

Gentlemen, I have some timber land, only a little. I am purchasing all I can get hold of, because it is a mighty easy way of making money. I pay my taxes upon it, whatever they are assessed, and they don't forget me, I suppose because I make so much noise about this matter. And I feel that is all right. If I can hear of a lot of land in my town, or of any land within 25 mile of my town, where I can occasionally get sight of it, and the owner don't ask over \$3 or \$4 an acre, I never go to look at it; if I can scrape up the money I buy it, and it is a mighty good investment usually; always has been, and always will be.

Gentlemen, I believe in conservation, but I believe in interpreting these laws and doing things in a business-like manner. You see, the State of New Hampshire is immensely rich today in timber lands, in spite of this calamity howling that we have heard on this floor, with the present price. Now, understand me. With the present price of the product of lumber I think today—not regarding, Mr. Wright, your statement—that there is more value in timber today in New Hampshire than there ever has been before. There may not be quite so many million feet, but the value is there.



Now, look here, gentlemen, just a moment. Here are these great corporations, gradually picking up all of this land, because they have the means to do it and the vision to do it. They are bright men, and among my best friends. The only reason that I am not in their position is because I haven't money enough to get there; but I am trying just as hard as I can, buying the very thing that they are buying. The only difference is that I am willing to pay my taxes and they are not. Now, I get my dividends, gentlemen, out of the timber, and not out of retainer fees from corporations. Gentlemen, this seems to be a broad statement. There are a lot of men here that are honest in this situation, and there are a lot of men here that are not. They are receiving incomes, or receiving pay for doing and seeing this question from the side of the friends of this Resolution. You know a lawyer can defend a murderer that has confessed his guilt and not contaminate his character at all—absolutely so. Society is in such a condition that they will allow that. Now, my friends, that is the position that some of these men here are in today.

If they will tell me how under the light of the sun, that towns on which 50 per cent of their valuation is based upon timber products, can support themselves, and build these nice highways for you gentlemen to come touring through the northern part of the State in the summer, and not break your automobiles and swear at us because our roads are not in shape, I would like to have you tell me. We must have the money to do it, and if you take away our assets how in the world are we going to accomplish it?

These corporations pay an immense income tax. I am not here to argue against the support of the United States Government, but I say that they should pay their taxes first, because every dollar of tax that a corporation or an individual pays is deducted from his gross income; he doesn't have to pay it but once; it is simply diverting it from the nation to the town. We need local support first. We must support our schools at home, we must build our highways, and we must have the money to do it with and taxation is our only avenue.

And, another thing. The towns have fire wardens, working in conjunction with your State organization. In the town of Stratford alone we paid something like \$700 one year to protect these very forests, and how can we do it if we don't get the taxes to do it with? Isn't there an intelligent population

in the rural community? Isn't it a better protectorate for this timber land and other property if our boys and girls are well educated? I say it is. I say it is safer to own property in an educated community than it is in a community where people are illiterate and ignorant and aliens. I say again, gentlemen, it is far safer.

This is a great proposition, gentlemen, which we are facing. We are coming here in order to amend this great Constitution, which has been our safeguard and our bulwark for many decades. Now, the principal reason that we were called together for, was to create assets—create assets—on which to levy taxes, and this is the only bill that I know of that aims at a reduction, and I do not wonder that you frown upon it, and you should frown upon it. Why come here and enact an income tax, and slop it all over by giving it away in this? I say not. I say this is justice, and this is right, and this is where we ought to be. Leave it just as it is. Some gentlemen spoke to you about building a bridge on which we could easily cross. What is the use of having a bridge when you can walk on the solid ground and save the expense of the bridge? Think this over, gentlemen, do not get excited, and do not be influenced by sentiment. Cash talks in taxes.

MR. FARMER of Hampton Falls. Mr. Chairman, Gentlemen of the Convention: When a man has got poor material to work with he usually does the best he can, and I admire the gentleman from Rochester (Mr. Snow), the work that he did with the material he had on hand. But I would like to call the attention of the members of the Convention to a few facts; and as he spoke of Massachusetts, I will treat of Massachusetts from the standpoint of a man who has dealt with some Massachusetts affairs, as being a member of the agricultural committee of the Chamber of Commerce of Boston. The Chamber of Commerce of Boston reaches out into New England for its committee members. It is not necessary to be a member of the Chamber of Commerce. I happen to be a member of that body, and have heard these very questions discussed that are discussed here today.

I want to tell you, as a farmer of New Hampshire, who owns a farm, who doesn't have to claim relationship to a farmer or being a son of a farmer, or anything of the sort, that the farmers of Massachusetts feel exactly as the farmers in New Hampshire feel here today; that when the Convention passed

a resolution allowing the law to be changed in Massachusetts, they put their heads into a noose. And, to prove that fact, you can see that eleven men—not twelve—are the only men who have taken advantage of the Massachusetts law. And if there are only eleven men in all Massachusetts who can see the good of that law, it certainly is a failure. Why haven't they taken advantage of it, and why do not New Hampshire farmers want to take advantage of it? Because the minute they take advantage of that sort of law they have encumbered their property, and you cannot go to a bank and borrow money on encumbered timber, either for a long or short time.

Gentlemen, that is a point that has not been brought out here, and it isn't always good policy for one side to bring out the bad points. The gentleman from Rochester (Mr. Snow) attempted to show us the whys and the wherefores. But this is one thing he did not bring out, and that is one reason why Massachusetts is not taking advantage of this fine opportunity to grow timber. Up in Berkshire County, where there is timber, they are cutting it off, on account of supply and demand; and the committee of the Chamber of Commerce is urging not only reforestation—and they are reforestation—but they are also putting in apple trees and crops of other character. There are more orchards being planted in the last ten years in the Berkshires, and in Massachusetts, than have been planted in the last 50 years in Massachusetts. And so the same thing will happen here in New Hampshire.

I do not think that the farmers of New Hampshire are going to take any chances with the future. We do not know what is going to happen ten years nor five years from date. They are too sound and independent in their thought; they are going to look back to what their fathers have done. A little hindsight now may be a great deal better than foresight. And I am sure that when they do consider they are not going to change horses in the middle of the stream. We have been offered a lot of advice. We usually have to pay for advice, if it comes from certain sources; and I feel, friends, that if we take off the taxes or reduce the taxes on timber, we are playing into the very hands, the very interests, that want to get control of timber tracts. I don't want any better investment than to go out and buy timber and hold it, if there is going to be an income tax here in New Hampshire. It is a grand opportunity to invest money, the spare money which we may

have. And that is just what will happen, and it will happen from interests out of the State, as well as within the State. I certainly feel, and I know that I voice the sentiment of a great many farmers, that we had better leave well enough alone.

MR. GAGE of Grafton. Mr. Chairman and members of the Convention: I hear quite a lot said here in this regard, about how they are overtaxed. I have some growing wood and timber that I pay a tax on, and they raise me occasionally on it, and when I get my tax bill I most always think that I am paying a pretty big tax. But when I take a good sober thought I find that I am not paying any more tax than I ought to pay on my land.

Some of the speakers here have said that they know of sprout land, or they have sprout land, that is taxed so high that it means confiscation. Now, if anybody has got any sprout land that is taxed so high that it means confiscation it is certainly overtaxed, but that is no fault of the law. It is the fault of the assessors. They have got it assessed for too much, more than it is worth.

Another speaker here says that he knows of lots that are taxed \$2000 and sell for \$5000. Now, I presume that is true, but that is not the fault of our laws. It is the fault of the tax assessors. They haven't got that assessed at what it ought to be. I think you will all agree with me that the more simple we can have a law and have it effective, the better it is. Our present tax law says that you shall tax all real estate for its full value. That means its full value, of course, and no more. Now, if that is done, if it is taxed for its full value, it wouldn't mean confiscation, because it will mean the tax rate and a fair rate of interest on that money, and by classifying this it won't remedy the fault of the assessors at all. It will just multiply our troubles, just as many times as you make classes. The more classe you make of this—you are going to have the same assessors determine the value of this property—and in order to know that they are going to tax this one-half its full value, they have got to determine its full value before they can determine what its half value is. Now, if they don't tax this properly now, and get it even, how are they going to when you have four or five classes?

Gentlemen, I don't think we want to have anything to do with this classification of growing wood and timber. I think our law today as it is, if it is made effective, is as good a law

as you can have, and one of the simplest and easiest to carry into effect, and I hope that this resolution will not prevail.

MR. CALLAHAN of Keene. Mr. Chairman, if the question is to conserve the forests of the State of New Hampshire, we have got all the law we need to do that very thing. The police laws of the State of New Hampshire give the Legislature the power to conserve the forests if they wish without coming to this Constitutional Convention, and that power can be used in this way. If you desire to conserve the forests, put a minimum on the size of the timber that can be cut in the forests, and you will leave a growth there that will give you the forest that you need forever. There is no question about it whatsoever.

Lumber in the rough today for box shooks is \$40 a thousand. Just think of it! There isn't a man who has lumber to sell but what is willing to sell it for money. He will sell his property if he gets his price; and just so long as the price of lumber remains up that forest is for sale. Do not let sentiment fool you for just a minute. I am looking into the faces of men from every part of the State of New Hampshire, and I am satisfied that the Almighty gave you the power to think for yourselves and not let anybody think for you. Take this forest, this growing wood and lumber, you sell it in the summer. In the fall and winter the choppers are put into the woods, and they slash this timber right and left. On the first day of April, when you can tax this property, you haven't got it to tax because it has gone out of the State. and into our sister states throughout New England, and other states. You haven't got it to tax because it is taken away.

We heard the gentleman yesterday speak of the five mills that he could see the smoke coming from when he is at home. Three of them, he says, should not be there; and two of them would not be there but for taxes, and he added these words: "The high price of lumber today." And in the very same breath he tells you that the high cost of lumber is to continue. He is not looking for a reduction in that timber, and that property all over the place where he lives is for sale just so long as the price of lumber remains up.

Another question that we must take into consideration. Many of us in this Convention and in the State of New Hampshire have come from foreign lands. We know the condition of those foreign lands, and the landlord system in those countries. Gentlemen, New Hampshire is leaning toward that,

and you have farmer tenants in the State of New Hampshire. You have farmer tenants all over the West, and they feel the burden of being farmer tenants. And New Hampshire has got farmer tenants, and we are going to have more unless we are careful. You don't want any farmer tenants in the State of New Hampshire. You want every man to own his own piece of property and get the results of his labor and not go to a man who lives in New York, or perhaps in England, that tax you for the improvements that you put on his land. You don't want that. You want just exactly what every man ought to have—the right to own his own piece of land and get the benefit of that.

Mr. Chairman, there are two samples of wood here cut in the north country. There is a piece that measures 11 inches through it, a piece of spruce. The other is a piece of pine. Gentlemen, if there was a law on the statute books of New Hampshire, made by the Legislature, which said to the people who own these forests, "You cannot cut the timber off of that land at less than 10 inches, or 9 inches if necessary," you would have all the forest you need. That is all you require. But when you let the manufacturer go ahead, the man who has no sentiment, but is looking for the almighty dollar, you will see him cut the timber down to three inches, so that he can get a 2 by 2 out of it for building purposes or for the Diamond Match Company. It doesn't make any difference. It is the almighty dollar that they are looking for.

Gentlemen, remember that we have got a good Constitution at the present time. Our forefathers saw way ahead, the same as Washington did. Washington told us in his Farewell Address, "Look out for foreign alliances." Gentlemen, we should look out; and our forefathers, when they passed this Constitution for us, said, "Look out for your welfare." And the welfare of the people is to see that the laws of this State are made just as strong as they can for the protection of the entire people.

THE CHAIRMAN. This morning we heard the gentleman from Concord, Mr. Metcalf, state, in talking on his motion to make the hour of opening eleven instead of ten, that he desired an hour's extra time to saw wood. I would like to ask the gentleman from Concord, Mr. Metcalf, if this Exhibit A and Exhibit B were his inspiration for that remark, or whether or not that was part of the fruit of his labors yesterday morning.

MR METCALF of Concord. Mr. Chairman and Gentlemen: I had not seen these samples of the northern forest at that time, and consequently couldn't have had any reference to them. Now that I am here, and on my feet—I didn't intend to say a word to this discussion—

THE CHAIRMAN. The Chair recognizes the gentleman from Concord, Mr. Metcalf.

MR. METCALF. I must say, in explanation of my future conduct, that I had said to very many members of this Convention previous to this discussion that it was my purpose to support this amendment, although, as I said, I should do it with very great regret, for the minority report was signed by two men, at least, for whom I have profound respect. The gentleman from Claremont, Mr. Parker, whom I helped to make a member of Congress nearly 50 years ago; and the gentleman from Stratford, Mr. Hutchins, whom I tried as hard as I could to make Governor only a few years ago. But I want to say now, without entering into any argument myself, that the arguments that have been adduced by the supporters of the minority resolution have been so strong that I have changed my mind, and I am going to vote for the substitution.

MR. PEARSON of Webster. Mr. Chairman, Gentlemen of the Convention: I had no idea of speaking here at all until some of my friends came this morning and wanted me to speak as a farmer. They said, "We have lawyers by the quantity;" and I know that, and some of them are advocating the same things that I shall advocate, and better than I can do it. Now, gentlemen, in going over this question in the weeks before we came here, to see what could be said or how we should attack it, it resolved itself in my mind to this point. We are not a legislative body to make any new law, we are simply a body to take down the old constitutional fence, in a way, to give a new liberty. Now, I have driven sheep from a boy tall enough to drive them, and now, gentlemen, in driving sheep all this time I have learned this. If you have got an old bell wether in the lot that knows all the present gaps, and everything of the kind, if you are to take down a new gap and want to drive a flock of sheep through that, he is the worst customer you have got.

It seems to me that these men that have been a lifetime making laws in the Legislature are afraid that this resolution will make liberty for a new law, and the discussion as to the working of the Massachusetts law this morning and at other



times shows that that is the feeling. I think Mr. Snow's speech this morning was fine, showing how law making in Massachusetts has resulted; and the men that have spoken this afternoon showed the small number that availed themselves of that class of law in Massachusetts. I don't think we want that here.

Now, gentlemen, in making this new provision there are certain things that come up. I am not in favor of any reduced taxation on timber that is growing, or fairly growing, but I want to see some measure adopted, some law, whereby those that have got young growing timber, the size of which any of us round the mill can see them handle, when a man can take a log and throw it over his head—I want to see that timber stand twenty years till it is grown.

I have seen land right in my own town where the timber has been cut over twice, and is suitable to cut the third time, and bigger than that which I describe. I want to see this resolution pass, that the next Legislature may meet the emergency, providing in a wise way, which our men will do when they come to take it up.

Another thing in this matter of taxation. It seems to me that we have got to go back to the old time selectman-appraisal of local property. I will tell you why. In the old time they had a very good class of selectmen, and this new school law which is enacted is going to be the means of educating the boys of today, that are in their town schools, so that they can act wisely as selectmen. To illustrate the selectman question, I refer you to a little incident in our town of Boscawen, on this main thoroughfare through to the Mountains. An automobilist from a distance got into trouble with his machine, stopped at the local blacksmith's shop or somewhere to get it repaired, and after the work was done the automobilist says, "Who are these men that I see monuments erected to on the street here? Who is this Daniel Webster?" "Oh," I said, "I think, sir, he was once a selectman here."

We want to be in that class of selectmen, and the next Legislature will give us a chance. I hope the resolution will prevail.

MR. NEWELL of Alstead. Mr. Chairman, I think the small timber lands of New Hampshire are now practically under a state of exemption. That is obtained through the selectmen valuing them very low and protecting them in that manner. I know this is true in the Southern part of the State. I was



in doubt about the northern part of the State until the gentleman from Stratford (Mr. Hutchins) said that timber land was valued at \$35 an acre, when it was worth a great deal more. The selectmen of New Hampshire are good judges, and it seems to me this is a strong argument—the fact that they are using this policy—that it is a good policy for the State. This resolution would open the way for making the statutes conform to the action of the selectmen. It does not bind the Legislature to any particular form or require them to do anything, but if in their judgment the statute could be changed to conform to the existing condition of affairs it might be good policy. Now if the towns in the north part of the State, the timber lands, are as the gentleman from Stratford said they were, it seems to me that, under another form of exemption, it would change the taxation but very little, if it was changed somewhere near the existing form of exemption.

MR. TOWNE of Franklin. Mr. Chairman and Gentlemen of the Convention: As I listened to the complimentary words of the gentleman from North Stratford (Mr. Hutchins), as he referred to the gentleman from Concord (Mr. Chase) and from Milford (Mr. Emerson), I thought of a little story which may be familiar to you all.

Two little darkey boys had a controversy, and one of them was very profuse in his language, and he called the other all manner of names, good and bad. And when he stopped for want of breath the other fellow says, "What you say I is you is."

Certainly the complimentary remarks of the gentleman from the north country are applicable to himself, and his remarks certainly were what might be called "a slick article." He acknowledged that he is one of the lumber barons, he also stated that he was opposed to this resolution. Why? He also stated that in every heart there was more or less selfishness. He, being a large owner of timber, does not desire to pay a tax on that timber when it is cut; he much prefers that timber to stand, and the owner to pay the tax until the time that it shall be cut, and then take it without paying any extra tax. So I infer from his words.

Now, gentlemen, I am perhaps as disinterested a person as can appear before you on this question today. I was brought up upon a farm, lived upon a farm, and worked on it until past my majority. I have owned farms, and I have bought and sold farms. Today I don't own over one acre of timber

land, and that is the acre on which my summer cottage on the shore of Lake Winnepesaukee stands. Therefore I can derive no benefit in any way from the passage of this resolution. But I do believe, gentlemen, that we were called here today largely that we might give the people a chance to vote upon this question. I think that some of us have been misapprehending the question before us. We have been thinking that we were legislating. We are not passing laws here, we are simply giving the people a chance to tell the Legislature whether they want a law of this kind passed or not. We know that when this question was last before the State of New Hampshire a majority of the voters voted in favor of it, almost enough to carry the resolution, almost enough to amend the Constitution at that time. I have been told upon what I consider good authority that the people who voted against that resolution did so largely because they thought the timber barons of the north country were in favor of it.

Gentlemen, we have found out today that they are not in favor of it; and therefore that objection cannot come before the people, if we decide to pass this resolution, at the time when they shall next have an opportunity to vote upon it.

I have talked with many farmers, and I find them almost invariably in favor of a resolution of this kind. Just how it will work out we do not know. We have heard this morning of the law as it is in Massachusetts. But it is not necessary for us to make a law like that, or similar to that, if our legislators find that a different law would be better for the State of New Hampshire.

Gentlemen, you know as well as I do that the Legislatures of the State of New Hampshire vote pretty nearly as the people wish them to vote. They will not pass any law which will hurt the farmer class, any more than they will pass a law which will hurt the laboring class or any other class of people. As I said, I was born and brought up upon a farm. And I know something of the conditions in many parts of the State of New Hampshire. My birthplace was in the town of Stoddard, the ridgepole of New Hampshire. Perhaps you know that in that old town there is one house where upon the west the eaves drip water which flows into the Connecticut, and on the other side the eaves drip water which flows into the Merrimack. At the time that I was born that town contained the highest cultivated land in the State of New Hampshire. Today the

district in which I attended school has one family, and when I was there a year or two ago that family had one child to go to school. Previously there were 75 or 80 people in that school district, and a red schoolhouse filled with boys and girls. Why? That country is growing up to wood and timber, and no doubt the gentleman from Hancock will tell me that there is more acreage of timber in Stoddard now than there was in 1865, and I will not dispute him. Why? There is more acreage but there is not more timber. Wood which my father would not have drawn into the yard for firewood is sawed today as lumber. I have seen one piece of lumber cut off when the pine trees were from 18 to 30 inches in diameter. I saw that same tract again cut when the trees were 8 or 10 inches in diameter, and it was cut a third time when a man could take up a tree in his hand and carry it to the saw to be sawed into a single stick of 2 by 3.

Gentlemen, the United States authorities tell us that at the rate we are using lumber, in 50 years we will use all the available supply. Today we are not only using lumber in the United States, but we are sending it to foreign lands. It has been said that the law of supply and demand will control the price. Gentlemen, does this apply? Does the demand for buffalo fur coats furnish you any fur coat today? A few years ago you could buy a good raccoon skin coat for \$90 or \$100. What do you pay today?

Now, I do not apprehend that you or I will ever see a less price for lumber than you see now; but I do apprehend that unless there is some method of conservation, lumber will be out of sight, the same in this country as it is in foreign lands, and we shall be building our houses with cement, if we can get the sand, or with mud sods, and burning peat from the bogs, possibly, as they do in Ireland and in some of the older countries. It has been said that the man who wrote this Constitution had a vision. Gentlemen, I trust that we have some sort of a vision, and that we can look down through the years and see what is best for those who are coming after us. It certainly is not best for the interest of the State that we do anything to allow the forests to go without doing everything in our power to conserve the interests in this one product, which is of so much value to the State of New Hampshire. I most sincerely hope, gentlemen, that when the time comes for us to

vote upon this resolution that this Committee will rise and vote favorably upon the resolution which is before you.

MR. PILLSBURY of Londonderry. Mr. Chairman, members of the Committee: I for one am opposed to this proposition of making New Hampshire a forest reserve for the State of Massachusetts. When I have looked at some of the statistics of this State in regard to agriculture, when I have listened to what Judge Towne of Franklin has just told you, that that town or that school district where lived 80 inhabitants of this State, where the children went to the district school, is today growing up to timber, I tell you there is no use of putting on any bounty on raising timber in this State. Go back to 1850, you who are interested in agriculture in this state, and I want to assume that nobody is more interested in agriculture in this State than the manufacturers of the great cities. Go back to that time, and you will find that we had of cultivated lands, improved farm lands, in New Hampshire, 2,251,488 acres of improved land. Today, or in 1910—I presume it is worse today—we had 929,000 acres. Over 1,332,000 acres are again growing this timber that you are trying to preserve. If we are going to make this a forest for the deer and the bear, and for the sportsman to go through, then you are taking the proper course in passing the resolution that these people ask. But if you are going to make it a great big agricultural community, to feed the people in our cities, to keep your manufacturing people here, then you want to vote for this proposition as inexpedient to legislate.

I want to give you some figures that I looked up the other day, when I was sick, from some of your towns, and see the effect, even under the legislation of exempting, because up to 1910, when this Tax Commission came into effect, the growing timber was almost exempt. We all know that. It was lightly taxed. And under those conditions see the decrease of your towns since 1840. I took some 40 or 50 of them at random. It is a serious condition. It is one in which we should promote agriculture rather than promote the forests.

Acworth, in 1840, had 1,450 inhabitants; she has 536 in 1910.

Alstead had 1,454, reduced to 788.

Amherst, 1,565, reduced to 1,060.

Atkinson, 567, reduced to 440.

Barrington, 1,845, reduced to 900, less than half.

Brookfield, 553, reduced to 247.

Canterbury, 1,643, reduced to 680.

Croydon, 956, reduced to 324.

Dorchester, 769, reduced to 241.

Deerfield, 1,953, reduced to 917.

Dunbarton, 950, reduced to 513.

Francestown, 1,308, reduced to 602.

Bridgewater, 747, reduced to 187.

Goshen, 779, reduced to 329.

Grantham, 1,034, reduced to 286.

Hebron, 508, reduced to 213.

Lyman, 1,496, reduced to 374.

Mason, 1,276, reduced to 385.

Middleton, 483, reduced to 300.

Moultonboro, 1,752, reduced to 901.

Orange, 463, reduced to 176.

Roxbury, 286, reduced to 66.

Sandwich, where the gentleman wants to have this new provision, and he didn't prosper under the old one even, where they exempt all this timber that he spoke of, is reduced from 2,625 inhabitants to 928.

Sharon, 251, reduced to 75.

Springfield, 1,252, reduced to 422.

Stoddard, 1,006, reduced to 257.

Sullivan, 496, reduced to 266.

Surry, 481, reduced to 213.

Weare—Weare was one of the big towns, almost as large as Manchester—from 2,375, reduced to 1,326.

Sutton, 1,361, reduced to 698.

Nottingham, 1,193, reduced to 607.

I have skipped a lot of them, but that is about the ratio of the country towns of this State. They are growing timber. People talk about the Constitution and the wise vision of those men. I submit they had wise vision, and that vision was to try and clear up the forests of this State, and they cleared up 1,332,000 acres more than their descendants have been able to keep cleared. They did a good work. But their vision was to have a great body of people here producing food for the cities which would grow up on our streams.

Now let us stop and see for a minute. What is going to happen by and by? You are talking about 50 years from now. I can see 50 years from now the time come when the great manufacturing interests of New Hampshire, your shoe indus-

tries and your cotton and woolen industries, are going to have close competition. They are not thinking much about it in these days of profiteering, when they don't even have to figure their goods, the demand is so great. But when that day comes that you are going to have keen competition, the manufacturing interests of this country are going to prosper where they have the food at hand to feed the men who work in those industries. And if New Hampshire falters now, if she fails to put herself in position to feed the employees who work in these factories and these mills, she is taking upon her shoulders a responsibility that 50 years from now will descend upon your offspring. It is of vital importance that agriculture be made prosperous rather than forestry.

Now, you have got all the law you need to reforest in this State. I have had some experience in it. More than fifteen years ago I took advantage of this reforesting law, and when I cut off a 20-acre tract I set out the little pines that are today, some of them, more than fifteen feet high; and I am exempt 90 per cent for the first ten years, and 80 for the next ten, and then in the next ten I will be exempt 50 per cent; and you can't tell me from the experience I have had, as a farmer in this State—and I have always lived on farms, as have my ancestors ever since they came here more than 150 years ago—you cannot tell me that you owe any sympathy to the man who is growing timber in this State. No other source has made as many men rich. There has been no other source from which so much profit has been gained as from the growing of pine timber in the State of New Hampshire. I believe that what we need to do is to try to repopulate our farms with that same breed that made New Hampshire famous. I want to see our farms again producing men like John Sullivan and John Stark and John Langdon. I want to see the time coming when we will produce on these farms such men as Daniel Webster, and William Pitt Fessenden, and John P. Hale, Franklin Pierce, Charles A. Dana, Horace Greeley, Benjamin F. Butler, Senator Nesmith of Oregon, Senator Weeks of Massachusetts, and hundreds of other men that have come from these hills, and will again, if you try and pass legislation that will help the men who will cultivate the soil rather than the people who come in here simply for the scenery.

I yield to no man in this Convention in my love for this State and its history; but I want, when my eyes shall close for the

last time in this State, to have them close upon hills cleared, that will be producing cattle and sheep and orchards, and valleys in which shall be growing the products to feed the people of our cities.

I hope this will be passed as inexpedient.

MR. PETTEE of Durham. Mr. Chairman and Gentlemen. We have a few natural resources in this State, on the whole probably less in number than in most of the States. We have taken advantage of our legislative acts, and through those legislative acts we have improved these resources, and we have developed some of them. We have furnished money without stint to develop the summer resources of this State in connection with our Mountains. We have not hesitated to do these things, and it is well. We have other resources in the way of our water powers. The larger ones have been developed and now, with the very high price of coal, the smaller ones are becoming more valuable. I am personally satisfied that we shall need in the near future to take very important steps in the way of conserving the interests of our small water powers. If this subject had been adequately considered I should expect that there would be measures before this Convention in that direction, but I fail to see any such measures up to this time.

Now, however, we do have another natural resource in New Hampshire, and I wish that the minds of every one could be focused for a few moments while this discussion is on, upon that one fact, that we have an undeveloped resource here in New Hampshire. I am told on what I consider good authority that we have at the present time some 600,000 acres of waste land, and that we have something like a million acres of land which is of low forest value; that, of all of this, more than nine-tenths of it is capable of very much more development in the way of bringing in revenue to the State than at the present time.

Now, to begin with, I think, gentlemen, you will all agree with me that that is a desirable thing, notwithstanding the remarks of the gentleman who preceded me, (Mr. Pillsbury). Starting with that as a fact, that we have these resources, what shall we do to develop them? We hear all manner of arguments that this measure will work and this other measure will not work. I say that we are as a Constitutional Convention, not to provide the acts themselves, but to provide a means by which experiments can be carried on in the way of develop-

ing these resources. We have been told that we have law enough. It is strange that we have been so long in finding it out. Of course, there are some very radical ways which none of you farmers—none of you—would accept for a minute, and which no Legislature would sanction. There are some such ways as that of meeting this problem, but I leave it to you, gentlemen, if we are ready to advocate any such means as that.

We now have before us a very conservative measure for giving the Legislatures of the future permission to go forward in a gradual way, a very conservative way, to develop these resources, so that we can experiment a little here and a little there. Very much has been said in regard to the Massachusetts law. I have not looked into that particularly, but taking the remarks that have been made here with reference to it, it strikes me that one of two things is true. That law will prove itself either good or bad. If it is a good law, it is liable to take 15, 20 or 25 years to really prove itself. If it does prove a good thing to the eleven farmers now trying it, when the people find that out, an educational campaign will spread it like wildfire over the State, and everybody will take advantage of it. If it does not prove a good thing it will be quietly dropped, or it will be improved, and other measures passed and put in its place.

Now, we are not to blindly follow the Massachusetts or any other law. We are here to make no laws ourselves, but simply and solely to give a little authority—not all authority, but a little authority—to our legislatures in regard to this matter. It seems to me that the only way that we can do business is to trust somebody. I have found that that is the only business way to get ahead, and not to blindly shut ourselves up, to bury our heads in the sand and do nothing. We have something to do, that is my point. We have these resources to develop. We all admit it. The only question is how. I say, give the Legislature a fair chance.

MR. BEEDE of Meredith. There is just one point in Mr. Hutchins' admirable and logical argument, from his standpoint, that I would like to call attention to. That was when he advised his friend Emerson to take advantage of the law of 1903, a copy of which I hold in my hand, the law which allows a rebate of 90 per cent for the first ten years on set out pines, and 80 per cent the second ten years, and 50 per cent for the third ten years. My friend Pillsbury has stated here that he



has taken advantage of that law. I wish every member of this body might take advantage of that law, and next spring go back home and set out an acre of pine timber. It would be a good thing for us all, even the lawyers, to do it. I am advised by some of the best lawyers in the State that that law would probably be considered unconstitutional if it was brought up to the Supreme Court; and if for no other reason it seems to me that we should pass this resolution, for that will certainly amend our rigid and inelastic Constitution to the extent that this law, even this one law, would be constitutional.

MR. VEAZIE of Littleton. Mr. Chairman and members of this Convention: I have no right as a speaker to say a word because that is not in my line. I happen to be a lumberman in a small way, and get my living out of cutting wood and timber from the north end of this State. I don't quite understand why people around here are so anxious that this bill should go through when there are none of my competitors in business who are asking for it. It seems to me there must be a few thorns on the rose somewhere, or they would not be so anxious to give it to us.

I happen to have some land with wood on it in a few towns in the north end of this State. I believe the selectmen have been square and candid in their actions in taxing me. I have tried to earn money enough in some way to pay the taxes. I still believe that we should pay a tax on this timber as it is, for this very reason, if for no other. Up in our section of the State, in Coös and Grafton Counties, we have got many small towns that a large part of their area is owned by big holders. When I say big holders I mean people that can own half or two-thirds of a good many townships. If you pass a law like that they may get by for 40 or 50 years at the expense of the towns.

It has been stated that there will be a small tax coming along to the town. Our small towns up there now are having just all they can do to keep their roads up, and they cannot keep them up to standard. I fail to see why we want to make any less taxes. I think we should get more taxes from some other source. If the lumbermen themselves are anxious for this, I certainly think that they are not so modest but what they would be here to ask for it. I surely do not want it.

MR. AMEY of Lancaster. Mr. Chairman and gentlemen of the Committee: I want to first refer briefly to some of the arguments to which we have listened here against this measure.

Mr. Pillsbury says that 1,132,000 acres of our agricultural land has gone back into the growing of timber and he is afraid that if we protect the timber standing upon it in any way that we are not going to bring the farmers back. Now, does anybody here seriously believe that if we continue taxing timber in the way we have been taxing it of late, that it will bring back onto the abandoned farms of this state men to till the soil and raise crops? Does anybody believe that? I don't believe Mr. Pillsbury believes it himself.

Mr. Pillsbury mentioned Senator Weeks as one of the great men raised in this north country, and I am glad to endorse what he said about the great men, and especially Senator Weeks, because Senator Weeks is one of the strong men of the north country and was raised up among the White Mountains. He has done more probably than any other man to bring about the passage of the Week's law, which is taking into Government ownership and control the White Mountain region. Senator Weeks believes in protecting the forests of this State, and I am glad Mr. Pillsbury called my attention to that.

MR. PILLSBURY. Mr. Chairman—

THE CHAIRMAN. For what purpose does the gentleman rise?

MR. AMEY. If the gentleman will wait till I get through he will have opportunity to reply.

THE CHAIRMAN. The gentleman declines to yield. The gentleman from Lancaster has the floor.

MR. AMEY. The gentleman from Keene, whom we all admit, is an orator, Mr. Callahan, furnished yesterday one of the strongest arguments that I have heard in favor of the passage of some law that will restrict cutting of small timber in New Hampshire. He told us about the loads of pine that come in to the mill where he works in Keene, 200 logs on a load. It is one of the strongest arguments I have heard before this Committee against the present method of cutting timber in this State. It is a disgrace to cut pine that will require 200 logs or poles to make a load. I regret it, and that is one of the bad conditions that I am trying to remedy.

I want to call your attention in the outset to the fact that I am not an owner of timber in New Hampshire to any extent. I own a one-half interest in 30 acres of land in the town of

Columbia that has got some timber upon it. I own two small pine lots in the town of Grantham. That is all the timber I own in the State. So I am not speaking from the standpoint of a timber owner. I have known something about timber during my entire active life.

The gentleman from Keene told us that we had plenty of law now on the statute books, that this could all be regulated by the police power. He is a better lawyer than I am, but I have understood from talks with other lawyers in the State—good lawyers—that we did not have plenty of law on the statute books to restrict the cutting of immature timber. I take it for granted that the gentleman from Keene, in that respect, is mistaken.

The gentleman from Ossipee, Mr. Kenison, said that we had not had any figures in this discussion; that we lacked figures, nobody had given us any figures to go upon, no basis of calculation, and he was going to give us some, and he did. He said half the valuation of the country town is timber. Now, there are some figures, but in my judgment, they do not represent the facts. Gentlemen—I appeal to your common sense—you know that half the valuation of the agricultural section of the State is not timber. We all know that half the farms in the State of New Hampshire in number have no timber upon them, and where farms have timber, in a very large majority of instances the greater value is in the farm rather than in the timber.

MR. SCHOOLCRAFT of Dorchester. Mr. Chairman—

THE CHAIRMAN. For what purpose does the gentleman rise?

MR. SCHOOLCRAFT. For a question.

THE CHAIRMAN. Does the gentleman from Lancaster yield for a question?

MR. AMEY. Yes.

THE CHAIRMAN. State the question.

MR. SCHOOLCRAFT. I happen to know that that statement is true, that in more than half of some of our towns the valuation is in timber lots. More than half of our taxes in Dorchester come from —

THE CHAIRMAN. It is understood the gentleman rose to ask a question, not to make a statement. If he is going to make a speech he is out of order. If he asks a question he is in order.

MR. AMEY. I would say to the gentleman from Dorchester that if he would get his mind off of Dorchester for a moment

and get it onto the whole State of New Hampshire, then he can ask an intelligent question. The statement I made was in reply to the statement made by Mr. Kenison that half the valuation of the farms in the state of New Hampshire was in timber, and that I dispute.

MR. SCHOOLCRAFT. Dorchester is not.

MR. AMEY. I don't know about Dorchester. Two-thirds of the valuation of the farms may be in timber for all I know.

Now, we come to the discussion of this question by the gentleman from Stratford, Mr. Hutchins. Mr. Hutchins made some remarks on this resolution, or a similar resolution—in this Convention a year and a half ago, and he prefaced his remarks with this:

"I assure you, gentlemen, that I will not detain you long, but I have a private opinion in regard to the taxation of timber lands, growing wood and timber, and my opinion is based upon personal experience of nearly thirty years as a lumberman. To precede my remarks, I will say that I am an extensive timber owner myself."

Now, we have it from Mr. Hutchins' own mouth that he is an extensive timber owner—and an experienced lumberman. We also have his objection to this measure. With all the great lumbermen and the large lumber interests in New Hampshire, Mr. Hutchins is opposed to this proposition, and he is opposing it to the best of his ability. He has got more courage than the Brown Corporation at Berlin, who are opposed to it. Mr. Brown, who is a member of the Convention, has not been here at all. He is not here urging the adoption of this resolution. He is keeping away from us and it is fair to assume that he is opposed to it. The gentleman representing the Parker & Young Company sat for about fifteen minutes in his seat, this morning, and he has gone, so he isn't here to oppose it or to favor it.

I have a list here of Mr. Hutchins' land. I guess I won't read it because it may reveal his private business, but it is a long list of timber lands which Mr. Hutchins owns.

MR. HUTCHINS. Go ahead, Mr. Amey.

MR. AMEY. I can see why he doesn't want to be restricted in the cutting of his timber.

MR. HUTCHINS. Light in public matters is very essential.

MR. AMEY. The gentleman from Hancock (Mr. Duncan) said in his opening speech here eighteen months ago:

"The people of Hancock are in the habit of sending a Democrat to the House, but although they nominated a very strong Democrat against me, I got almost two votes to one exactly on this issue, and I take it the town is behind me."

Now, that is the gentleman from Hancock eighteen months ago. I looked up the record of the vote in Hancock and I found he got 25 votes when he was elected. He wants us to understand that he was sent down to this Convention to oppose this proposition to give relief to the owners of growing timber.

Gentlemen, now we will proceed for a moment to discuss the merits of this proposition, and before going into that I want to correct an impression that has been thrown out in this Convention, that the timber lands of New Hampshire, especially in the north country, are not now taxed at full value. In fact, the impression has gone out here from some things that have been said that they are not taxed at half value. I want to tell you a little something about how the timber lands of the north country are taxed.

The real estate valuation of the State of New Hampshire in 1911 was \$263,000,000. In 1912 it was increased to \$390,000,000. That is \$126,000,000, or 40 per cent increase from 1911 to 1912. In 1919 the real estate valuation of the State of New Hampshire was \$469,000,000 plus, an increase over 1911 of over \$206,000,000, or 80 per cent. In other words, we had increased from 1911 to 1912 in real estate valuation in New Hampshire 40 per cent, from 1912 to 1919, 40 per cent more, or 80 per cent total increase.

Now, let us look at some of the timber towns and see what they have done with respect to tax values in northern New Hampshire. Pittsburg was valued in 1911 at \$1,121,000. I am speaking of the real estate valuation, not of the total valuation of the town. In 1911, \$1,121,000; in 1919, \$2,021,000, an increase of nearly 100 per cent from 1911 to 1919. It is important to know that during that time the corporation owning most all of the wild land in the town had been cutting heavily of their timber. Large quantities, fifty, seventy-five and one hundred thousand cords, perhaps, in a year have been cut upon those lands during this time. The tax valuations have

been kept up and are now nearly a hundred per cent higher than they were in 1911.

The town of Clarksville, another town similarly situated, was assessed in 1911 at \$241,000, in 1919 at \$522,000, an increase of 120 per cent. There has been cutting in Clarksville, not so extensive as in Pittsburg, but extensive cutting during that time.

Wentworth's Location was assessed in 1911 for \$84,600, in 1919 for \$351,000, an increase of 400 per cent, and one-third of the town of Wentworth's Location has been cut within that time.

In Lincoln, another organized town, in 1911 the real estate valuation was \$723,000. In 1919 it was \$957,000, an increase of 33 per cent; and in Lincoln they have been cutting thirty to forty millions a year ever year since 1911. Notwithstanding the cutting of their timber their valuation has been kept up and has been increased.

Waterville, another timber town, was assessed in 1911 at \$218,000, and assessed in 1919 for \$1,098,000, an increase of 500 per cent, and there the cutting has continually been going on.

Let us go over to the unorganized towns which have been mentioned here and see what has been done there. Bean's Grant was assessed in 1910 at \$4.50 an acre, in 1919 at \$15 per acre. Bean's Purchase was assessed in 1910 for \$4.50 an acre, and has gone into the hands of the Government, and there is no tax upon it. It has gone beyond the reach of the assessing officer. I want you to know that of the 360,000 acres of land in New Hampshire that have been turned over to the Government in the last five or six years, the purchase price paid by the Government has been less than the assessed valuation. I have got the figures down in the office of the tax commission to prove it. The price paid has been less per acre than the assessed valuation. When a man tells you, or when anybody undertakes to represent to you that the timber lands of the north section of this State are not taxed, and are not taxed on the same basis with your farms and your property other than farms, he is telling you what is absolutely false; and if I cannot show it I will lose my reputation as a man and as a tax commissioner.

I might go on, but I won't take the time to go through the list. The gentleman from Stratford (Mr. Hutchins), who undertook to befog everything, talked about everything but the question at issue and who slid out from under the main ques-

tion entirely, spoke of the millions of acres in the unorganized towns of this state. The total acreage of the unorganized towns is less than a quarter of a million acres.

MR. HUTCHINS. I thought I was quoting your figures.

MR. AMEY. Well, you got the wrong column.

THE CHAIRMAN. The chair would state that repartee in conversation is interesting and sometimes instructing and often amusing, but it is not in good parliamentary form. If a person desires to interrogate the speaker he may put the question in due form or otherwise he will kindly refrain.

MR. AMEY. Now, gentlemen, let us discuss the question a moment that we are considering here. This is not legislation. Most of the people who have discussed it have discussed it from the standpoint that a man would discuss it from if he were in the legislature. We are discussing the merits of this system or that system of taxation. This is not a legislative body. We are here to give legislatures following the adoption of these amendments, the right to do certain things. That is all we can do. Even the gentlemen from Hanover (Mr. Hoyt), for whom I have the greatest respect, discussed this question from the standpoint of a member of the Legislature. I wondered that a gentleman who had had such large experience as the gentleman from Hanover would make such a grave error. This is a Constitutional Amendment, and the effect of it is to give the Legislature the right to do whatever in its judgment it might think best with respect to changing our laws effecting the taxing of growing timber.

I want to call your attention to the fact that the resolution itself was very carefully drawn. It was drawn by good lawyers. Let us see. It was the gentleman from Keene, Mr. Callahan, who said yesterday that he mistrusted or distrusted lawyers in this Convention, that he thought they might be guided by selfish motives or by employment, or something to that effect. I have the greatest respect for, and the greatest confidence in the legal gentlemen who represent this Convention upon the legislative committee. I do not believe any of them are working for private interests or regard their personal interests as paramount by any means. The resolution reads:

"Provided, further, that the General Court may provide for a special tax valuation of growing wood and timber upon such conditions and restrictions," etc.

Now, that is the important part of this resolution. It is not the same old question that you had here a year ago last June. It is not the question that was presented to the people in 1912. It is an entirely different proposition:

“upon such conditions and restrictions as will tend to prevent the premature cutting thereof.”

I ask this question of the lawyers, and if I am wrong about it I want to be righted. Can any legislature under the terms of that resolution, if it should be adopted, enact a law that will affect the tax on growing wood and timber, unless it is a law that has a tendency to restrict the premature cutting thereof? From the standpoint of a farmer I should say not. I am not a lawyer.

“to assure a continuous supply of forest products and to protect the sources of our streams.”

Now, there are two objects that must be accomplished by any legislation that is passed, according to my motion, in order to have it comply with, or conform to, the Constitution, if this amendment is adopted.

If I am wrong about that I want to be righted. We have thrown around this resolution all the safeguards that need to be thrown around it, to the effect that no legislation can be passed under it unless it is such legislation as will tend to restrict the premature cutting of timber and protect the sources of our streams.

You must remember that this proposition has a long and a rocky road to travel if you pass the resolution here, before we get any legislation under it. It must be ratified by a vote of two-thirds of the voters voting upon the question at the polls.

The proposition of a similar character that was submitted in 1912 by the Constitutional Convention of that year was defeated by the narrow margin of 700, yet it received 10,000 majority. That is, 10,000 more voters in New Hampshire voted in favor of it than voted against it.

While it may be difficult to get two-thirds of the voters of the state to adopt a resolution of any kind, I agree that that is one of the wise provisions of our Constitution, and one that I would not change. I believe that any change in the Constitution should be with the approval of a large majority of the people.

Assume that the resolution might be adopted, what then? You have got the legislature to deal with. They would have



the right to pass the most sensible proposition that they could originate. I have an idea that they might get up something better and more workable than the Massachusetts law, but remember the restriction of the provision of the Constitution, if adopted, that it must be such as will tend to prohibit the premature cutting of timber and protect the sources of our streams and our water powers. It must be borne in mind that that will be the guiding hand that will guide the legislature, if any law should be ever enacted under it.

I do not think there is danger here, gentlemen, in allowing the legislature the liberty to use their best judgment to do something for the State of New Hampshire which will have a tendency to protect the forests of the state. We have got only a few fragments of our forests left. I would not ask you gentlemen under the present conditions to pass any amendment here that would give the legislature the right even to classify the mature timber of this state. I would not ask you to pass a resolution that would give the legislature the right to classify or to reduce the tax on mature timber that should be cut. That is not what I desire. I want something done that will give the farmer, who has sold his mature crop of pine, and cut it off—such a tax system as will allow him to let the next crop grow without financial loss. A law that will give the man who is cutting the little poles that the gentleman from Keene described, where it took 200 for a load, the privilege of letting them stand to grow to maturity under such conditions as will make it profitable for the owner, or, at least, not unprofitable. That is the kind of legislation that I want to see passed in New Hampshire. I am willing that mature timber should be taxed. The owners, in consideration for the present high prices, can afford to pay the tax and they are not asking for this or any other amendment. In fact, they do not want it, because it might encourage the legislature to put a yield tax upon them, which they would not like to pay.

Gentlemen, if we can do something that will protect the small immature timber that is not ready to cut it seems we shall have done our duty as citizens of New Hampshire.

I probably have examined as many farms in the State of New Hampshire as any man living today, and I think I know that there are plenty of farms where the growth of pine is small and immature, but where the tax, at full value under our present law, is eating the farmer's income up. He simply

cannot get money enough off of his little farm to pay the taxes on the farm and on the increasing value of his growing timber. It is a hardship for him, and in many cases it forces him to sell the timber and cut it, when it is far below the age or the size where it ought to be cut. I do not like to see these barren wastes scattered over New Hampshire. I want to see something done that will reforest them. I want to see something done that will protect the little growth, the little plots of pine that we see scattered over the State. When I find a mature stand of pine I advise the owner to cut it while the price is high.

Let us see. The gentleman from Keene (Mr. Callahan) gave us some more very important information. I am sorry he is not here. He told us that pine box-boards were worth \$40 a thousand. This is useful information for the tax assessors if it is true. I intend to keep in touch in a general way with the value of pine box-boards, because they are an important item in the list of taxable personal property in New Hampshire. I had the impression that today they were worth about \$30, f. o. b. There are a lot of men who know more about it than I do, but that has been my information, and the gentleman from Keene startled me when he said they were worth \$40 a thousand. That may be among the exaggerated notions that have been dwelling in his mind that have worked him up to the pitch where he goes into flights of oratory over this question of the taxation of timber.

The question is asked, how will reduced taxes on growing timber affect the farmer? The gentleman from Rochester (Mr. Snow) cleared this up pretty well this morning—the argument used against this proposition among the farmers of this State in this,—if you take off the tax from the timber you have got to put it on something else. We are not proposing to take the tax off from mature timber at all. There is no proposition of that kind here. That would not protect growing timber. We are proposing to take the tax off of the small pine and allow the farmer to grow it and make it profitable rather than unprofitable.

Now, in that respect, what is going to take place? I believe that we, in New Hampshire, are going to ratify the income tax amendment and that when the next legislature has completed its work we shall have upon our statute books a wholesome income tax law that will produce from \$1,000,000 to \$2,000,000 in revenue annually.

In Massachusetts they have such a law which has been in operation three years. It is producing annually \$15,000,000 in revenue. We have in New Hampshire, I believe, more than \$500,000,000 of intangibles, mostly in corporate stocks, owned by the citizens of the State. Of the \$500,000,000 only \$9,000,000 are taxed. The \$9,000,000 taxed are largely owned by the widows and orphans, and held by the executors and administrators for the women and children whose estates they hold in trust.

The large holdings of corporate stocks which are paying, in most instances, large dividends do not yield a dollar in taxes. I wonder if the gentleman from Stratford (Mr. Hutchins) would be willing, if we didn't disturb too much—his large holdings of timber—that we should tax the \$500,000,000 of stocks owned in New Hampshire that have been paying during the last two years from 5 to 40 per cent dividends and not paying a dollar in taxes to the state. I wonder if the gentlemen who oppose this amendment which is calculated to give relief to some of the farmers who want to grow pine would agree to that. I say that the money to relieve this situation is coming from the income tax, and I believe we are going to be surprised at the amount of revenue such a tax will yield without making the rate excessive. I believe from that source that we can relieve the property tax to some extent. We can relieve the tax upon the growing timber of the farmer, who has got a small growth that ought to stand and grow, and not compel him to cut it when it takes 200 logs to make a load.

Speaking of timber barons. The gentleman from Stratford (Mr. Hutchins) a year ago last June said in substance that all the millionaires of the north country were made rich by their timber holdings. Let us see. I tried to look them up, tried to find out who they were. Here were the Vandykes. I speak of them first, because they owned 300,000 acres of timber in the northern part of the State and I was connected with them as an employee for some years. Mr. George Vandyke, who was at the head of the family and who owned the property, died a comparatively poor man. His estate was settled for a very small amount of money. Now, there is your millionaire No. 1, the most important one of the lot.

The Brown Company at Berlin have made a lot of money. They are among the people who do not want this legislation. Most of their profit has been made by importing manufactured

pulp and pulp wood from Canada and manufacturing paper on the Androscoggin river.

The Brown Lumber Company of Whitefield owned or controlled by the two Browns, two brothers, what about them? They manufactured from ten to twenty millions a year all through my boyhood days at Whitefield, in the largest lumber mill in the northern part of the State. Both died poor men.

The Libbys, another Whitefield firm—manufactured hundreds of millions of timber in the town of Whitefield and in other points in that vicinity, and they died poor men.

The Nulhegan Company had large mills and extensive timber holdings up in the neighborhood of my friend Hutchins—he could look out of his back kitchen window over into their mill yard. This property was owned by the Danforths. They died poor men, or men of very little means—after they had manufactured hundreds of millions of timber at North Stratford.

In going carefully over the list I haven't found a millionaire up in the north section of the State nor any man who has made a great amount of money out of the manufacture of lumber. I think in that particular the gentleman from Stratford (Mr. Hutchins) was trying to mislead you. He was not confining himself to facts at all.

Gentlemen, I want to say a word about the growth of timber, I have two samples here. I hope you will all examine them before you go away. One is sample of pine cut from northern New Hampshire, and I want to be frank with you and tell you that is not a fair sample of the pine growth in the State of New Hampshire. It is a fair sample of pine growth in the vicinity of Whitefield, where it was cut. Up there the pine grows slower than it does in this locality. That stick shows a growth of about three per cent, and that is not the average growth in the State for pine. The average growth in my honest judgment is about five per cent. It runs as high as six or seven, and as low as three and four.

There is a sample of spruce that I believe is a fair sample of the growth of spruce in the state, and it requires 12 years to add an inch to the diameter of the tree. That cut of the tree was taken breast high, where it is usually measured for its volume.

The gentleman from Ossipee (Mr. Kenison) said we had no figures here. Now we will try and have a few. It costs to

carry a tract of timber land the interest on its value, doesn't it? Six per cent. A man does not have to be shrewd now to get six per cent for money. The tax rate this present year is an average of \$2.28. That makes 8.38 per cent, for interest and taxes. Then, you have fire and disease and other elements of destruction to contend with.

MR. SCHOOLCRAFT. Mr. Chairman—

THE CHAIRMAN. For what purpose does the gentleman rise?

MR. SCHOOLCRAFT. May I ask the gentleman a question?

THE CHAIRMAN. Does the gentleman yield?

MR. AMEY. Yes.

MR. SCHOOLCRAFT. Isn't the growth on pine more than double what it is on spruce?

MR. AMEY. No, it is not, not in the northern part of the State, absolutely no. I will give you some more evidence on that branch of the subject. Here is a report that was not made for the purposes of this discussion or any discussion of this question. A report on a township of land in Maine, where the situation is very similar to that in northern New Hampshire. Here is what the expert says with respect to growth:

"The method used was to get the increase in diameter breast high (speaking of the percentage of growth, the data or the rate of growth, etc.) for the ten years' period, subtract this from the present diameter and work the estimate as though taken ten years ago. The results show that spruce and fir pulpwood had increased 30 per cent of its volume for 10 years and the saw logs from the same species 15 per cent. Pine about 20 per cent."

That is the report of a competent expert made to a land owner, of an examination of a large tract of Maine timbered land. He says that the growth in pine up there is only 2 per cent. I say that that growth in northern New Hampshire as shown by the sample is about 3 per cent. I say that is a fair sample of the growth of pine in northern New Hampshire, but not a fair sample of growth in the southern part of the State, where the soil is better adapted to pine growth.

Gentlemen, I am talking more than I intended to. I have but a word more, and that is about our water powers. The Weeks bill, under which 360,000 acres of the White Mountains forest district have been purchased by the Government, was passed

for the purpose of conserving the water powers of this state and of New England. The sources of our rivers and streams needed to be protected to accomplish this purpose. I will not go into any extended discussion of it, but you all know that on the barren side hills, the barren mountain sides open to the sunlight in the spring, the snow melts and runs down in flood tide. If they are covered with a growth of timber the snow melts slow and the water soaks into the ground and then leaks out gradually and makes the stream flow gradual. It produces a steady flow and a constant power upon those rivers and streams thus protected.

Upon the stream flow which creates water power in New Hampshire depend important interests, important industries employing a great many people. In the cities of Manchester and Nashua, and so on all over the state are manufacturing plants on the several rivers that are kept alive and kept running by the water powers.

It is pretty necessary in my judgment to protect those water powers as much as we can. For that reason I say that it is the duty of the state to pass such legislation as will tend to conserve these powers by protecting the sources of our streams and rivers to the end that they may furnish constant power to the manufacturing industries that are dependent upon them. Take the Connecticut River and the Androscoggin, the Saco and the Merrimack, and then go down to the Cocheco and over to the Ashuelot, and you find scattered along their shores a large number of important industries depending upon the water power furnished by those rivers.

Let us do something to protect them, because it is absolutely necessary to do it in order to conserve the water and to produce a constant power for those industries.

Then I would like to see in New Hampshire some system adopted, some legislation enacted, that would preserve the playgrounds of northern New Hampshire so that the boys and girls, the laborers, the clerks and the professional men in the southern section of the State where there are no forest playgrounds, where they have no mountain streams, can take their automobiles and with the family come up and spend their vacations among the hills of northern New Hampshire. The gentleman from Londonderry (Mr. Pillsbury) said that he did not wish to provide parks and playgrounds for Massachusetts. I am glad to do it for tired, worn out humanity. I am glad they come .

here. I like to see them scattered along the roadsides in the mountains with their tents and camping outfits. I like to see them enjoying a jolly vacation up in the woods of the north country. It is healthy for them. It is the best remedy in the world for that dread disease, tuberculosis. I am willing to give up something in the way of taxes in order to provide a playground for the people who do not have a playground at home.

MR. DUNCAN of Hancock. Now, we have all been raked pretty well, by this advocate of truth. In the first place I just want to say how I happened to make the remarks which he says I did, and which I did, in regard to my majority in being elected. Mr. Brennan, as you remember—and the journal of the House will show you—questioned whether my town was behind me. Then I made those remarks. He says I got 25 votes, this man who was so careful to tell the truth. Now the Manual of 1918 has this. If he is a lawyer, why, I don't know as I have a right to read it, but I will read it, and if anybody doubts that I read it right I will ask the Chairman to read it.

MR. AMEY of Lancaster. I will accept the amendment. Your opponent got 25 and you got 42.

MR. DUNCAN. This is the record: Hancock, Christy H. Duncan, 46; Clarence H. Ware, 25. I wonder if he came as near the truth in these other statements he has made as he did in that. I don't turn the page, I just look over to the next page. This was what Mr. John T. Amey had at Lancaster.

Lancaster: John T. Amey, 36. I got just ten more votes than he did.

Mr. Hutchins of Stratford moved that the committee do now arise and report the following resolution:

*Resolved*, That it is inexpedient that the amendment as proposed in the resolution be adopted by the Convention.

The question being on the motion of Mr. Hutchins of Stratford—

MR. BYRNE of Lebanon. Mr. Chairman and gentlemen, I believe that I have not seen the point brought out at all, that the longer lumber stands on the stump the less your taxation will be, less taxation will be on your real estate or on any other property, for the very reason that it is on the stump you are growing taxes. When you cut that lumber down your taxes are gone, and the more lumber you cut off in the State of New



Hampshire the less your taxes are going to be. If a house is burned down here in the city the taxes on the house cease. You only tax the foundation. All you get now, when you are sweeping the lumber off here, is just the foundation. Therefore I am in favor of this resolution passing because it is a progressive measure and it should be submitted to the people. I am going to vote for it and I hope every man within the reach of my voice will vote for it.

MR. TYNG of Ashland. Mr. Chairman, it seems to me as if a very large part of what has been said today is irrelevant. We are discussing certain questions which do not belong to a Constitutional Convention. These are questions of legislation. The Constitutional Convention can give the Legislature more power if the people are willing to grant it, and the duty of a Constitutional Convention, it seems to me, is to make absolutely sure that the Legislature has enough power to do everything necessary, that they should not be hampered in any way in doing their duty, that they should be allowed to experiment, if necessary. And here very many of us do not know anything about these other precedents. We ought certainly to give to the Legislature the power to legislate. So many people have forgotten that we cannot legislate. Give to the Legislature the power, all necessary power, and a little more than necessary, perhaps, in order that the subject may be properly treated.

On that motion Mr. Lyford of Concord called for a division.

Mr. Hoyt of Sandwich offered the following amendment to the motion of Mr. Hutchins of Stratford:

Substitute in place of the motion of Mr. Hutchins of Stratford, *Resolved*, That it is inexpedient to adopt the amendments as proposed in the resolution, the following:

The committee recommend that the amendments as proposed in the resolution be adopted by the Convention.

The question being on the amendment of Mr. Hoyt of Sandwich—

MR. WRIGHT of Sanbornton. I rise to a parliamentary inquiry. My inquiry is whether all those who favor the resolution should



vote Yes and all those opposed to the resolution should vote No, upon this proposition or amendment?

THE CHAIRMAN. The gentleman is correct, and has so stated it, that all those who favor the classification of growing timber according to the printed bill which is before you should vote Yes on the amendment proposed by the gentleman from Sandwich, Mr. Hoyt. All those who favor the point of view of Mr. Hutchins, and are against that, should vote No. Do you all understand the matter? Are you ready for the question?

MR. STREETER of Concord. I rise to make an inquiry: Whether the motion of the gentleman from Sandwich to amend is in fact, in parliamentary law, an amendment?

THE CHAIRMAN. The Chair would state that in his judgment the motion made by the gentleman from Sandwich would take precedence over the motion made by the gentleman from Stratford, being a motion to report favorably, but the Chair would rule that it is an amendment, and if the sense of the Committee is understood by the ruling as made by the Chair we will proceed with the vote. Are you ready for the question? As many as are in favor of the amendment offered by the gentleman from Sandwich, Mr. Hoyt, will manifest it by saying Aye.

On a *viva voce* vote the negative appeared to prevail.

Mr. Lyford of Concord called for a division.

A division having been taken, 98 gentlemen voted in the affirmative and 130 gentlemen voted in the negative, and the amendment of Mr. Hoyt of Sandwich to the motion of Mr. Hutchins of Stratford was not adopted.

The question being on the motion of Mr. Hutchins of Stratford—

Mr. Lyford of Concord withdrew his call for a division.

MR. WRIGHT of Sanborton. I would like to inquire whether or not we may have a roll call while in Committee of the Whole?

THE CHAIRMAN. The Chair would state that a roll call is out of order in Committee of the Whole.

MR. LYFORD. You can have it in the Convention.

MR. WRIGHT I wish to have a roll call at some stage of the proceedings, to indicate exactly——

THE CHAIRMAN. That can be had in the Convention. The question is now upon the motion of the gentleman from Stratford, Mr. Hutchins.

On a *viva voce* vote the motion prevailed.

IN CONVENTION.

(The President in the Chair)

Mr. Tobey, for the Committee of the Whole, to whom was referred Resolution No. 22 (in new draft), Resolution relating to the Taxation of Growing Wood and Timber, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to adopt the amendment as proposed in the resolution.

The report was accepted.

The question being on the adoption of the resolution of the committee——

On that question Mr. Wright of Sanbornton demanded the yeas and nays.

The requisite number of delegates seconded the demand and the yeas and nays were ordered.

YEAS, 135.

*Rockingham County*—Sanborn, Smith of Brentwood, Tuck, Brown of Deerfield, Frost, Farmer, Sweeney, Pillsbury of Londonderry, Willey, Towle of Northwood, Johnson of South Hampton, Pearson of Stratham.

*Strafford County*—Cole of Rochester, Varney.

*Belknap County*—Whitney of Barnstead, Smith of Center Harbor, Hammond of Gilford, Hale, Locke, Perkins of Laconia, Ordway of New Hampton, Trickey.

*Carroll County*—Gale, Chandler, Stuart, Bennett, Kennett, Blanchard of Moultonborough, Kenison, Schenck, Edgerly of Tuftonboro.

*Merrimack County*—Eastman of Allenstown, Kittredge, Sargent of Concord, Streeter of Concord, Metcalf, French, Patterson, Childs, Bates of Pembroke, Fowler, Pillsbury of Sutton.

*Hillsborough County*—Hopkins, Duncan of Hancock, Tarbell, Spaulding of Manchester, Deschenes, Blanchard of Manchester, Collins, Eagan, Gorham, Magan, Bunton, Streeter of Manchester, Chatel, Ryan, P. J., of Ward 7, Manchester, Davis of Manchester, Dow, Edgar, McElroy, Gingras, McLaughlin, Whelpley, Francoeur, Gagnon, McCarty of Ward 13, Manchester, Eaton, Hodgman, Dionne, Theriault, Phelps, Kelley, Eastman of Weare, Nelson.

*Cheshire County*—Randall, Damon, Callahan, Madden, Wellman of Keene, Mason of Marlborough, Bullock, Spaulding of Stoddard, Marston, Dort, Clarke of Walpole, King, Pierce.

*Sullivan County*—Clark of Acworth, Charron, Kinney, Parker of Claremont, Davis of Croydon, Whitney of Goshen, Walker, Hall of Langdon, Benway, True, Nichols, Bailey of Sunapee, Reed, Ball.

GRAFTON COUNTY—Parker of Benton, Pulsifer, Schoolcraft, Young of Easton, Keniston, Perley, Gage, Hoyt of Hanover, Morse of Hebron, Cox, Waterman, Price, English, Morse of Littleton, Veazie, Grant, Stevens, Morrison, Elliott, Goodwin.

*Coos County*—Beaudoin, Hutchins of Berlin, Gall, Felton, Annis, Lombard, Aldrich of Dalton, Woodward, Leach, McHugh, Evans of Jefferson, Hancock, Johnson of Pittsburg, Watson, Noyes of Stewartstown, Hutchins of Stratford, Turner.

NAYS, 97½.

*Rockingham County*—Sawyer, Stevenson, Hoyt of Newington, Shaw of North Hampton, Woodbury of Salem.

*Strafford County*—Pettee, Waldron, Gunnison, Young of Rochester, Snow.

*Belknap County*—Page, Spring, Beede, Wright.

*Carroll County*—Hammond of Albany, Gibson, Goulding, Shirley, Wentworth of Jackson, Hoyt of Sandwich, Foote, Meader of Wolfeboro, Pound.

*Merrimack County*—Buxton, Upton, Wheeler of Canterbury, Shaw of Chichester, Belanger of Concord, Chase of Ward 3, Concord, George, Lyford, Demond, Doherty, Sturtevant, Quimby, Thompson, Dean, Haynes, Towne, Little, Barnard of Hopkinton, Towle of Loudon, Donigan, Shaw of Salisbury, Pearson of Webster, Wells.

*Hillsborough County*—Lewis, Smith of Deering, Greer, Parker of Goffstown, Haslet, Baker of Hudson, Pillsbury of Manchester, Farrell, Livingston, Cavanaugh, Schellenberg, Flanders, Chapman, Emerson of Manchester, Prescott of Milford, Cobleigh, Ledoux, Prince, Russell, Hurd of Sharon, Tobey, Frye.

*Cheshire County*—Newell, Cabot, Hubbard, Booth, Duncan of Jaffrey, Kingsbury, Rice of Rindge, Whitman, Dickinson.

*Sullivan County*—Hamlin, Sherman, Barton.

*Grafton County*—Tyng ( $\frac{1}{2}$  vote), Wallace, Ayres, Bartlett of Hanover, Butler, Smith of Haverhill, Noyes of Landaff, Bell, Byrne, Lord, Wendell, Lee of Thornton, Woodbury of Woodstock.

*Coos County*—Curtis of Berlin, Bergquist, Evans of Gorham, Amey, Curtis of Northumberland.

PAIRED.

Mr. Jacobs of Lancaster, voting yes, paired with Mr. Shurtleff of Lancaster, voting no.

Mr. Huntress of Keene, voting no, paired with Mr. Duffy of Franklin, voting yes.

Mr. Emerson of Milford, voting no, paired with Mr. Pike of Lisbon, voting yes.

Mr. Lampson of Mt. Vernon, voting no, paired with Mr. Farnum of Frankestown, voting yes.

Mr. Dame of Newport, voting yes, paired with Mr. Scammon of Exeter, voting no.

One hundred thirty-five votes having been recorded in the affirmative and  $97\frac{1}{2}$  votes having been recorded in the negative, the resolution of the committee was adopted.

NOTICE OF RECONSIDERATION.

Mr. Hale of Laconia gave notice that on tomorrow or some subsequent day he would move to reconsider the vote whereby the Convention voted to adopt the report of the Committee of the Whole on Resolution No. 22 in new draft, Resolution relating to Taxation—*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

On motion of Mr. Lyford of Concord, the Convention adjourned at five o'clock.

AFTERNOON.

The Convention met in the afternoon according to adjournment.

On motion of Mr. Hoyt of Hanover, the Convention adjourned at 5.02 o'clock.

THURSDAY, January 22, 1920.

The Convention met at eleven o'clock in the forenoon according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal of the preceding day having begun:

On motion of Mr. Brennan of Peterborough, the rules were so far suspended that the further reading of the journal was dispensed with.

LEAVES OF ABSENCE.

Mr. Snow of Rochester was granted leave of absence for the day on account of important business.

Mr. Prince of New Boston was granted leave of absence for the remainder of the session on account of important business.

COMMITTEE REPORTS.

Mr. Streeter of Concord, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 16, Resolution relating to the Governor's Council, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The undersigned, a minority of the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 16, Resolution relating to the Governor's Council, having considered the same, and being unable to agree with the majority, reported the same with the recommendation that the amendment as proposed in the resolution be adopted by the Convention.

ELMER E. WOODBURY,  
WILLIS G. BUXTON,  
WILLIAM T. GUNNISON,  
HENRY E. CHARRON.

The report was accepted.

Mr. Buxton of Boscawen moved that the minority report that the amendment be adopted by the Convention, be substituted for the report of the majority—*Resolved*, That it is inexpedient that the amendments as proposed in the resolution be adopted by the Convention. And with that motion pending, that the resolution and accompanying reports be laid on the table and made a special order for Tuesday, January 27, at 11.02 o'clock.

The question being on the motion of Mr. Buxton of Boscawen—

Mr. Buxton of Boscawen withdrew that portion of his motion making a special order for Tuesday, January 27, at 11.02 o'clock.

On a *vive voce* vote the resolution and accompanying reports were laid upon the table.

Mr. Cavanaugh of Manchester, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 32, Resolution Amending the Bill of Rights by striking out Article 13, having considered the same, reported the same with the recommendation that the amend-

ment as proposed in the resolution be adopted by the Convention.

The report was accepted.

The question being on the recommendation of the committee—

MR. PILLSBURY of Manchester. I should hope that that amendment to the Constitution would not be presented to the people until we have had a chance to discuss it and see just what it means. I have great respect for the men who have religious opinions and convictions against the bearing of arms. We have a great many of those people in this country, and our Government gave them proper respect during the late war. Their opinions are their own, and they are sacred to themselves, and we have always recognized in this State the right of a man to hold conscientious convictions against the bearing of arms and waging of war. I believe that if a person has religious convictions they should be respected, as they have been in the past; they should be exempted, if necessary, as they have been in the past.

I do not know the arguments that would necessitate us in amending the Constitution in that respect at this time. I think we have passed through the great war, and we got along all right as it is, and I don't know that anybody was deprived of their liberties, and I think that every man lived in the liberty of his conscience and in the freedom of the law. I hope that this thing will not be passed too hastily.

MR. LYFORD of Concord. Mr. President, with the gentleman's permission, I would like to inquire, did this provision of the Constitution operate to the disadvantage of the draft in any way?

MR. PILLSBURY. This particular provision, in our State?

MR. LYFORD. Yes.

MR. PILLSBURY. Why, I don't presume it did, no, sir. The objection that was raised by certain members of the committee when I appeared before them last night was that we do not want to offer too many resolutions to the people. I am heartily in accord with that myself. I do not think we should. But I think, looking at it from a strictly and purely business proposition, to have the recommendations that we adopt here voted



for by the people in the affirmative, that this particular Article would help more than it would hinder. My suggestion would be to have all of these recommendations which we adopt here discussed thoroughly in the different bodies in this State, the new American Legion, the Grand Army Posts, and all kinds of organizations. I believe that here is one that will appeal strongly to the Legion and to all other patriotic organizations, and if their recommendation is to vote Yes on this it will certainly help to have the others adopted. So I fail to see where there is any great hindrance as far as this being adopted by our Convention is concerned.

MR. PRESCOTT of Milford. Mr. President and Gentlemen: I presume that it becomes incumbent upon me, having presented this resolution, to defend it. The particular part of this article No. 13 which is repugnant to me is the last line, which says "Provided he will pay an equivalent." I personally had occasion to see the workings of the draft law, being associated with the Hillsboro County local board as appeal agent, and having all of the cases which came before that board in which exemption was asked, brought to my attention for examination. There personally were very few exemptions asked for conscientious objections, as I recall it. There were a great many asked for objections for other reasons. But the last line, which says, "provided he will pay an equivalent," seems to me to be entirely repugnant to our idea at the present time. I had no idea of speaking before this Convention. I certainly had no idea of introducing this resolution until I came here, and this matter was called to my attention by a good citizen of this State, who said he thought that it was entirely wrong to have such an Article in our Bill of Rights as this. As a real matter of fact, I do not suppose it makes very much difference, because the United States Government say who shall bear arms and who shall not, and the State of New Hampshire does not have occasion to say very much about it. But it does seem to me that with an Article of this nature in our Bill of Rights now is the time to sweep it out.

This last line to which I refer of course means, in the old Civil War days, that a man if he didn't want to go could find some excuse and hire a substitute. We didn't have any of that business in this last war, thank the Lord, and I think all of these gentlemen sitting here in front of me are very much opposed to this Article which says that if a man has conscientious

scruples about carrying arms he can hire somebody else to go and fight for him. I don't believe that there are very many people that object to the first part of this resolution, and I doubt if there is anybody in this Convention or in the State of New Hampshire that agrees to the last part of it. If there is any question in anybody's mind in regard to this it seems to me it ought to be brought out at this time, but I can see no objection to removing this very objectionable feature from our Bill of Rights.

MR. METCALF of Concord. Mr. President and Gentlemen: I cannot see, for the life of me, why any man who has conscientious objections against bearing arms would not have just as strong conscientious objections against paying somebody else to bear arms. Once upon a time a gentleman or man was tried for murder in Carroll County in this State, and after a long trial was found not guilty. The general impression was that he was really responsible for the murder of this woman; and, although the Constitution provides that no man shall be twice put in jeopardy for his life, the Chief Justice of the Supreme Court, with all due deference to his memory, aided the counsel for the prosecution, the State, in having dug up a statute which provided that a man who hired and procured some one else to commit a murder might be tried and convicted and hanged therefore; and that man was again brought into court by an indictment under this statute, tried, convicted, and subsequently hung.

Now, I think that goes to prove that it is just as bad to hire somebody else to do a thing as it is to do it yourself. If a man is to be excused from bearing arms because he has conscientious objections, I certainly think he ought to be excused from paying somebody else to do that thing. This Article in the Constitution which it is proposed to wipe out, if it is not wiped out, ought to be amended by striking out this last clause.

MR. COBLEIGH of Nashua. Mr. President and Gentlemen: I must confess that I have a great deal of sympathy for the remarks of the gentleman from Manchester, Mr. Pillsbury. I do not believe that any one living in this country under the protection of the Stars and Stripes, enjoying our privileges, should in any way get rid of all of their obligations. I do believe, with the gentleman from Manchester, that religious opinion, so far as it is practically possible for us, should be respected. And, while there might be some advantage from some modifica-

tion of the language, I do not think it is important enough for us to spend very much time discussing it at this time or submitting this particular question to the people, because it seems to me that the sense of fair play that is so manifest in the people of New Hampshire would lead them to reject this at the polls. I therefore move you, Mr. President, that the report of the committee be rejected.

THE PRESIDENT. There is another motion before the Convention, Mr. Cobleigh.

MR. COBLEIGH. I withdraw that, then.

MR. HOYT of Hanover. While I have voted against the recommendations of the Legislative committee, I think they showed a good deal of judgment in what the gentleman has said their idea was upon this question. I may be mistaken, but I think one of the main questions of this Convention, one thing that we all wish to carry through, which was unanimous, was the income tax. Now in my judgment, gentlemen, if we load down the voting with so many different questions, you are going to endanger the income tax. One of the reasons that helped me to be so strong against the wood and timber measure was that I am fearful if you pass the wood and timber resolution you will endanger the income tax.

So today I feel we had better be careful, and not, on these minor things, load down the people with so many different questions to vote on. I hope that this will be rejected, and that we shall not present on the ticket for the voters anything except what is of the most vital importance to the State. I think when the war of the Revolution was in progress, if everyone could be exempt that had conscientious scruples, today perhaps we should not be enjoying the democracy we are now. So I say I hope that this resolution will not pass.

On motion of Mr. Emerson of Milford, the resolution and accompanying report were re-committed to the Committee on Bill of Rights and Executive Department.

Mr. Streeter of Concord, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 21, Resolution giving the Governor authority to Veto Items in Appropriation Bills, having considered the same, reported the same with the recommendation that the

amendment as proposed in the resolution be adopted by the Convention.

The report was accepted.

The question being on the recommendation of the committee—

On a *vive voce* vote the resolution was adopted.

The resolution was then referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

Mr. Streeter of Concord, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 30, Resolution relating to the Salary of the Governor and Council, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted.

The question being on the resolution of the committee—

MR. METCALF of Concord. I introduced this resolution, I think, from very good motives. I believe that the salary of the Governor of New Hampshire ought to be increased, and entirely without reference to who is to be the next Governor or any subsequent Governor. The salary of the Governor is now \$3000. I remember the time, Mr. President, when for a long series of years the salary of the Governor was only \$1000; and I remember the fact that, as an editor of a New Hampshire newspaper, I for a long time advocated an increase in the salary of Governor. I thought it was a disgrace to the State that the highest executive of the State should receive a salary of only \$1000. After a long time the salary was raised to \$2,000; and subsequently, as the high cost of living increased, it was raised to \$3,000, and that was a long time ago.

Now, almost all salaries have increased largely within a few years past. The salaries of our judges are now, I think, \$5,000,

and it has been said that we could only get a second-class lawyer at that rate. That is one of the reasons why the distinguished chairman of the committee which reported unfavorably this resolution has not ever gone on to the bench of the Supreme Court, because the salary was not large enough.

Now, if the salary of \$5,000 for a judge, who has a life tenure, practically, is not enough, I submit that it is not enough, or none too much, certainly, for a person who is fit and competent to be Governor of New Hampshire, and properly exercises his abilities in the direction of governing the State; and I want to see him govern it without the assistance of any side partners, or what we call the council, which I have hoped to see wiped out.

You are all aware of the fact that for a long time in this State no man could run for Governor unless he contributed a large sum to the campaign fund. A man who stood high in the State, one of the most prominent and most worthy and most successful manufacturers who long aspired to be Governor of New Hampshire, was told on a time that he could have the next nomination if he would contribute to the campaign fund of the party \$25,000, and he decided that he would not do it, and another wealthy manufacturer was nominated. How much he paid I do not know. But it used to be the fashion to pay liberally into the campaign fund before a man could be assured that he should receive the nomination as Governor.

Now we have got a different order of things. We do not nominate Governors in that way. We put the thing up to the people at the primaries. I don't think much of the workings of the primary. But we have it, and a man, in order to get nominated for Governor nowadays, Mr. President, has to come down in another way. He has got to see the people, or see that somebody sees the people in his interest. It is an expensive job.

Now, I submit that any man who passes the test, and gets there, at least ought to have \$5,000 a year. I do not really mean that that is to compensate for him for what he pays out in getting the nomination at the primary. I believe that the office of Governor is an honorable office, and ought to be compensated by as large a salary as is received by any officer in this State. Almost all the States of the Union pay much larger salaries than this. As I have said, all other salaries in the State have been increased largely, and I am sure that the good sense of the gentlemen of this Convention will be, or at least

ought to be, in favor of paying the Governor \$5,000 a year. I don't know why a Governor who governs well—and I am not intimating that all our Governors have not governed well, I am not discussing that question—but a Governor who well performs the duties of this high office ought to be compensated to the extent of \$5,000 a year. If he is any sort of a Governor he has got to exercise his abilities along this line nearly all the time. It takes nearly all the time of the present executive, pretty much all the time, to govern this State as well as he is doing it; and I am sure that it would take the next Governor a larger proportion of his time, and he ought to have \$5,000 a year.

Now, in refernce to the salaries of councilors, I made that in my resolution \$500 a year. As I said, I don't believe in any council, I wish it could be wiped out, I hope it will be. But if we have to have councilors to advise the Governor, and trig the wheels occasionally, I don't know why they should not receive a stated salary instead of a per diem of \$8 a day and expenses. It wouldn't make much difference in the cost to the State, whether they have a salary of \$500 per annum or compensation to the amount of \$8 a day and expenses. There cannot be any objection to the proposition, if we have to have a council, of paying them \$500 a year.

Now, gentlemen, I sincerely hope that this report will be voted down. I don't know why the committee should take such a view of the case. I cannot conceive why the distinguished chairman of this committee—and I assume that the chairman has favored the report, because if he hadn't favored it the committee would not have reported it, I believe—why this distinguished chairman should object to paying a Governor of New Hampshire \$5,000 a year. Some of his side partners in previous times, now on the bench, get \$5,000 a year, and I don't know why a Governor should not; and if there is any earthly reason why they should not I wish the distinguished chairman of this committee would tell us what that reason it.

Mr. Metcalf of Concord moved that the resolution and report be laid upon the table.

On a *viva voce* vote the negative prevailed.

The question being on the resolution of the committee—

MR. WOODBURY of Woodstock. Mr. President, Gentlemen of the

Convention: It is not my purpose to discuss the proposition as to whether the Governor of this State is receiving salary enough or not. I rise for the purpose of explaining the purpose of the committee in reporting this measure as we did. The Constitution now provides that the Legislature shall regulate the salaries of the Governor and council; and we felt as though that was where it should remain, that we should not take any more powers away from the Legislature. Of course you know how I stand. I believe in giving them more powers. But in this case it simply leaves it in the hands of the Legislature to regulate the salary of the Governor and council as it sees fit, and it seems to me that that is the proper place for it. That is the reason this committee reported the way they did, because they are willing to trust the Legislature to consider and make such limitations on the salary of Governor as it thought necessary.

Now, that is the reason we reported it as we did, because we thought it was well enough, and we thought it was a good idea and a good policy to let well enough alone. If the Legislature in times to come sees fit that our Governor should have \$5,000 and even \$10,000, that is not for us to consider. If I knew enough to be Governor of the State of New Hampshire or ever thought I would be, I should probably want more than what they are paying for Governor now. But it is in the hands of the Legislature, and the Legislature is in close touch with the people. They know the conditions every two years of the finances of this State. That is the point; and we considered in considering this question—it was unanimous—that it was well enough to leave well enough alone.

On a *viva voce* vote the resolution of the committee was adopted.

#### NOTICE OF RECONSIDERATION.

MR. HALE of Laconia. Mr. President, yesterday I gave notice that on today or on some subsequent day I should move to reconsider the vote taken yesterday afternoon on Resolution No. 22 in a new draft, relating to the taxation of growing wood and timber. My purpose is not to reopen a discussion which I believe has been thorough. My purpose purely and simply was to have the measure thoroughly voted upon. With that

object in view, it was my statement yesterday that I should call the matter up next Tuesday morning; but in talking with some of the delegates from Carroll County, they informed me that there is danger that they might not possibly be able to be present on that day, and so, with the object in view of giving everyone an opportunity to vote who cares to do so, and with the idea of giving ample notice of the time, I give notice now that I shall move to reconsider that vote on Wednesday next as soon as such a motion may be in order after the opening of the morning session.

Mr. Lyford of Concord called for the special order, the same being Resolution No. 3, Resolution relating to Mode of Submitting Amendments to the Constitution.

The question being on the adoption of the resolution of the committee—

On motion of Mr. Duncan of Jaffrey, the Convention resolved itself into a Committee of the Whole for the purpose of considering Resolution No. 3, Resolution relating to Mode of Submitting Amendments to the Constitution.

#### IN COMMITTEE OF THE WHOLE.

(Mr. Streeter of Concord in the Chair)

MR. DUNCAN of Jaffrey. Mr. Chairman, if I may be permitted just a word at this time I think I can save the time of reading this resolution. It is not that those who are in favor of a general proposition are in favor of Resolution No. 3 as it stands, but that at this time we may consider as a whole the various propositions relating to the submission of amendments to the Constitution by the General Court; and it will serve no particularly useful purpose to have Resolution No. 3 read, because it is proposed that a motion should be offered to refer the whole proposition back to the committee, with the request to report a new resolution.

THE CHAIRMAN. What is the pleasure of the committee? By general consent, Mr. Duncan's suggestion will be adopted.

MR. DUNCAN. Mr. Chairman, as I have just stated, Resolution No. 3 is one of four resolutions which were before the Convention looking toward a different method of proposing amendments to be voted upon by the people. It has seemed to



a number of delegates with whom I have conversed, and to a number of persons who are not delegates but residents of this State, that it would be wise to adopt some different method of submitting amendments to the Constitution. Now, the people are the court of last resort in matters of adoption of changes to the Constitution, and it seems to me that the particular body, the particular people, who suggest amendments to that Constitution is not so vital as the fact that the people themselves have a right to pass upon them.

It has seemed to us, also, that it might be wise to allow the General Court, which meets once every two years, under proper safeguards to submit amendments for the vote of the people, and thereby save considerable expense and considerable time. There are certain other benefits which seem to us to be desirable. We meet in Convention here at the call of the people. Now let us trace the steps whereby, under present circumstances, amendments are submitted to the people.

The Constitution says, first, that once in every seven years the Legislature shall take the sense of the people as to whether a Convention shall be called. Now, that is absolutely impossible of carrying out, because there is no way of taking the sense of the people once in every seven years since we abolished annual sessions of the Legislature. So that part of the Constitution has, by common consent and necessity, become a dead letter. The Legislature, at times when it sees fit, takes the sense of the voters as to whether there shall be a Convention called or not. Then we have a referendum to the voters as to whether a Convention shall be called. After that, if a majority of the people voting on the question vote in favor of calling a Convention, the Legislature calls it. Then the Convention meets here, something over 400 of us, and we have thrust upon us at one time the consideration of a large number of questions relating to constitutional amendments.

Now, I will not venture to assert that we, as members of the Constitutional Convention yield anything in ability to the Legislature, and I do think that on the whole a legislature is about the same type of men as a Constitutional Convention. And so, if we could find some method whereby legislatures could, under proper safeguards, submit amendments, we would allow the consideration of constitutional amendments at times when amendments or demands for amendments were pressing, and

we would not need constitutional conventions as often as we have had them in the past.

I have been studying constitutions and constitutional conventions for several years past, and I find that in the last dozen years or so there have been in the United States, if I mistake not, outside of New Hampshire, four constitutional conventions: One in Ohio in 1912, one in Indiana in 1915, one in Massachusetts in 1917, and one in Illinois at the present time.

Now, New Hampshire, so far as my investigations have shown, is the only State in the Union which is limited to a constitutional convention for the submission of constitutional amendments. Every other State has some alternative mode of submitting amendments. And it seems to me that we have intelligence enough here to work out some sort of a proposition whereby we can with safety allow the Legislature to submit these amendments to the Constitution.

MR. LYFORD of Concord. Mr. Chairman, I want to submit on this question some facts to the Convention. The Constitution of 1784 was the first Constitution of New Hampshire that was acted upon by the people, and that was finally amended and went into shape in 1792. It was more than 60 years before we had another constitutional convention. The question was submitted to the people periodically and they refused to call a constitutional convention. Then there came the Convention of 1850, which submitted fifteen amendments, all of which were rejected by the people, because there were so many amendments. The Convention then reassembled and submitted three amendments, and only one of the three was adopted by the people.

So that for the space of 84 years, from 1792 until the action on the Convention of 1876, but one amendment was made to the Constitution.

Then came the Constitution of 1876. It submitted thirteen amendments and ten were adopted. The principal amendments of the ten adopted changed the basis of representation from ratable polls to population, because of the frauds that existed in padding the back of the check-list with ratable polls. We changed from annual to biennial elections and sessions of the Legislature, on the ground that it would be cheaper to have biennial sessions than it was to have annual sessions, and almost the first biennial session after we changed, the annual sessions lasted for about five weeks—the biennial session in the interest of economy lasted nearly three months. We increased

the Senate from twelve to twenty-four. We provided for the election of certain county officers by the people. They were previously appointed by the Governor and council. We abolished the religious test in the Constitution.

Then came the Constitutional Convention of 1889. It submitted seven amendments and five were adopted. The Constitutional Convention of 1876 had provided for the classification of towns, where they had not enough inhabitants to be entitled to one representative. That was unpopular with the towns that had insufficient population to send a representative, and so they were allowed to be pro-rated as they are today, sending a certain part of the time. That Convention fixed the salaries of legislators. It changed the meeting of the Legislature from June to January, and that occurred because of the hiatus in our representation in the Senate, owing to the meeting of the Legislature in June and the beginning of a term, if we had a special session of the United States Senate on March 4. That was one of the principal reasons for holding that Convention; and we further provided for the succession of the speaker to the Governorship in case of the death or disability of both the Governor and the President of the Senate. The necessity of that will be seen when you realize that we have had but just one President of the Senate succeed to the Governorship through a vacancy of that office since the foundation of the government. That was when Governor Harvey was appointed United States District Judge, and Senator Harper of Canterbury, who was President of the Senate, succeeded. So we did not really need in the exigencies of the State that we should provide that the Speaker of the House should succeed in case both the Governor and the President of the Senate were disabled. It was well enough in its way. That Convention, among other things, provided for a new election to fill senatorial vacancies.

The Convention of 1902 submitted ten amendments, four of which were adopted. The principal ones of the four were the educational qualification of voters, and the authority of the Legislature to tax inheritances.

The Constitutional Convention of 1912 submitted twelve amendments, and four were adopted. These were the disfranchisement of voters for bribery; election of Governor, councillors and senators by plurality vote instead of majority; increasing the jurisdiction of police courts, and dividing the

State into councillor districts, on the basis of population instead of property.

In 125 years we have changed the Constitution by twenty-four amendments, and nearly half of those were the amendments adopted by the Constitutional Convention of 1876.

Now, then, it does not seem to me that there is any necessity for having a more frequent or a more expeditious method of amending the Constitution. The people of this State have shown from the beginning that, except as there is some well-defined cause for amending the Constitution, they do not desire to change the organic law. The gentleman from Jaffrey (Mr. Duncan) says that we have many propositions submitted here. Can he guarantee that if you allow the Legislature to submit amendments that there will only be a few submitted there? Why, you open the door, and there will be just the same number of propositions submitted to the Legislature as are submitted to this Convention. The Legislature has its business to do, and its time should not be taken with the consideration of constitutional amendments. It cannot give the deliberate thought and attention to the consideration of amendments that is given by a Constitutional Convention.

I take issue also with the gentleman from Jaffrey as to the character of the men coming to the Constitutional Convention. There is a higher character and type of men sent to Constitutional Conventions than are sent to Legislatures. We deliberate upon the various propositions that come before us. We not only consider them in committees, but we consider them in Committee of the Whole. And I have known—from our practise of referring amendments to the committee on form and mode of submitting amendments to the people—I have known from my experience in Constitutional Conventions where that committee has discovered an erroneous phraseology, and brought the amendment back, and it has been considered by the Convention and put in the shape in which we wanted it.

Now, the experience of some of these other States that do not hold constitutional conventions is that they have adopted amendments, individual amendments, that have been in conflict with one another. You hold a Constitutional Convention, and it is its sole business to consider the organic law. You choose representative men from every town and ward to come here for that purpose. You devote your whole time and thought to that purpose. I maintain that it is better for the State that

it be done in this way, even at the expense of once in a dozen years, on an average perhaps once in twenty years since the government was formed—that we should have the expense of a Constitutional Convention. I believe it is economy for the State to have it.

Furthermore, it is proposed in some of these amendments—and I think that is the desire of the friends of the amendment—that you shall not only give the Legislature the right to submit amendments, but that you may have Constitutional Conventions as well, and thereby you are multiplying the expense. I cannot see that there is any crying necessity for allowing each Legislature to have its time taken up with the consideration of propositions that will be submitted by well-meaning people, who perhaps are in advance of some of us in their ideas. You are sure to have as many proposed amendments before every legislative body as you have before this Constitutional Convention if you open that door. I do not believe that we want to take that step.

MR. METCALF of Concord. Mr. President, I realize the fact that it is dangerous for me to say anything upon any proposition that I favor, or against anything that I do not favor. My friend, the distinguished delegate from Ward 4 (Mr. Lyford), tells you, in the first place, that we have a higher type of men in the Constitutional Conventions than we do in the Legislatures, and therefore we should perpetuate the Constitutional Conventions, and not allow Legislatures to dabble with this matter of amending the Constitution.

If my recollection serves me—I remember some things better than some others—the gentleman from Ward 4 has sat in about every Constitutional Convention since 1850. I know he came in in 1876, when he was a live and enthusiastic young Democrat from Canterbury, and I think he has been in two or three others, or in all the Conventions since, since he has been something else; and I do not see that his type is any different in the Legislatures from what it is in the Constitutional Conventions. He is doing about the same thing in each, and he knows about as much in one as the other.

My observation is also that a large proportion of the men who come into these Constitutional Conventions are men who have served in the Legislature at some time or other. Here is my distinguished friend from Claremont (Mr. Parker), who served in the Legislature away back in 1859. Now he is a well

preserved man, but I think that he would have been able to act upon a proposition to amend the Constitution just as well in 1859 as he is now in 1920. I don't pretend to say that he hasn't learned anything in that time, though.

MR. PARKER of Claremont. I don't agree with you.

MR. METCALF. But I think the type of men is about the same in our Legislatures as in our Constitutional Conventions. The gentleman from Ward 4 (Mr. Lyford) says that it is not the business of the Legislature to consider propositions of this kind.

MR. LYFORD. No, I didn't say that.

MR. METCALF. Well, now, it is the business if we make it so.

MR. LYFORD. I didn't say that.

MR. METCALF. What did you say?

MR. LYFORD. Let me beg, Mr. Chairman, to correct that. I did not say it was not their business. I said they had other business, and their time ought not to be taken up.

MR. METCALF. Well, in most or nearly all of the Legislatures of the United States it is their business to consider matters of constitutional amendment, and although New Hampshire is a mighty good State I do not know that it is any better than some of these other States—Massachusetts, for instance. True, we have sent a good many men down to Massachusetts who have purified the atmosphere there, but on the whole I do not think we are any better than they are, and I think our Legislatures are just as capable of considering the matter of amending the Constitution as the Legislature of Massachusetts or any other State.

Something has been said by the gentleman about keeping the provision for Constitutional Conventions in the Constitution, as well as enabling the Legislatures to submit amendments, and he thought that would complicate matters. Under the provision of the Constitution as it now stands we have to submit this question once in seven years, or as often as is practicable. That is an odd year, and, with biennial elections, we cannot submit it every seven years. But if this amendment now before this Committee can be referred back to the committee which reported it inexpedient, an amendment can be provided for, which, while preserving the Constitutional Convention, may change the time and make it fourteen years, say, instead of seven. That would get rid of the labor and trouble involved in submitting this question every seven years. The question was submitted to the people in the period from 1791 up to 1850 ten

times; ten times the sense of the people was taken on this question. If we could amend it so that it should not be required only half as often we will get rid of this bother to a considerable extent, as the gentleman will concede.

Now, I am in favor of getting this back in some way into the committee, and providing an amendment which will enable the Legislature to submit amendments to the people when it seems necessary; but I would limit it, as I did in my amendment which the committee in its wisdom, or supposed wisdom, killed—I would limit the number of amendments that any Legislature might submit to two so that there should not be a flood of amendments submitted to the people at every session.

Now, I hope that some means will be contrived to get this resolution back into the hands of the committee, and that something may be arranged that will receive the approval of this body, which will enable the Legislatures to submit an amendment when it appears to be necessary, and is probably needed by the people, and save the expense, which is an item, Brother Lyford—the expense is an item, a very considerable item, in these times when expenses in all other directions are increasing immensely. When we institute educational departments, for instance, that cost the State half a million dollars a year, or are likely to, the expense of a Constitutional Convention is something that ought to be saved. It ranges from \$20,000 to \$35,000 or \$40,000, and that is quite a little item, and it is something worth saving.

MR. LYFORD of Concord. Not if you are going to increase the salaries of State officials.

MR. METCALF. The salaries of State officials—that is a very small item; \$3,000 for a Governor is a small item compared with this expense of \$30,000 or \$40,000 every little while for a Constitutional Convention, even though that Convention may be illuminated by the presence of the gentleman from Ward 4, I think I have nothing further to say.

MR. CAVANAUGH of Manchester. Mr. Chairman and Gentlemen: I do not intend to spend any time on this occasion in discussing the merits of Resolution No. 3, or of the other three which were intended to cover somewhat the same ground; but as the author of Resolution No. 13, which is one of the four which were considered by the committee, I deem it proper at this time to say just a word, especially after a suggestion made by the gentleman from Concord, Mr. Lyford. It rather goes to the



root of the opposition, which was the most effective on the floor of this Convention, in 1912, a similar resolution proposed by me having been rejected by the Constitutional Convention at that time.

A suggestion has been made that a more expeditious way or manner of amending our Constitution will be provided by any one of these four resolutions, if adopted and enacted into law. Of course, that leads up to the proposition that the Constitution of New Hampshire should not be assailed very often, that the Constitution of New Hampshire should be protected against frequent, and possibly poorly attended efforts to change the organic law of our State.

I sat in the last Convention and listened to several gentlemen, two of whom unfortunately for the State of New Hampshire have passed away since that Convention, and listened to their denunciation of any proposition such as is incorporated in these four resolutions. They made it appear to me, at least, that they thought that I was a sort of a radical fellow, who would be coming up here proposing things that were inimical to our State and our Constitution. But I wish to state, Mr. Chairman and gentlemen, that I am a native of this State of New Hampshire, a resident of the State of New Hampshire, and I yield to no man in my desire to see the interests and the institutions of our State properly sustained. I will take just a moment longer to explain Resolution No. 13. I do not have it before me, but I spent so much time on it I guess I can explain the principal features of it, and I think when it is explained, gentlemen, there is not a member of this Convention who will believe but what if Resolution No. 13 is adopted it is going to be more difficult, rather than more easy, to amend the Constitution of the State of New Hampshire. I provide in my resolution that a majority vote of all of the members elected to each branch of our Legislature, acting separately, must first vote to submit a proposed amendment to the people. If that is done by the thirteen members of our State Senate, and by more than 200 members of the House, which are necessary to constitute a majority in each branch, the matter is then laid over until the next session of the Legislature, and the bill provides that the proposed amendment shall be advertised for a certain period, so that everybody in the State of New Hampshire would know the terms of the proposed amendment. The voters of the State of New Hampshire at the next election would be



guided in their choice of their representatives and their State Senators by the knowledge that those men elected by them would be called upon to vote on an amendment with which the public was familiar.

Now, when the next session of the New Hampshire Legislature convened, if thirteen members or more of that second Senate, and 200 or more members necessary to constitute a majority of this branch, should give their approval to this proposed amendment, it would be advanced simply one more stage. The proposed amendment would then be submitted to the people of the State to be voted on at the next election, and would require the same percentage, two-thirds of those voting, to give their approval to the proposed amendment.

Gentlemen, in summing up I simply wish to state that any proposition which can get the support of the majority of the members elected to each branch of two successive legislatures, and then go before the people after being fully advertised, and secure the approval of two-thirds of the voters voting at the next election, certainly can have nothing very radical about it.

With reference to the proposition of the gentleman from Concord, Mr. Lyford, I think that one of these resolutions provides for a general convention. That is in mine. It is in mine for the purpose that there might at any time be a desire on the part of the people of New Hampshire, as expressed by their legislators, to have a general revision; and the Legislature at any time by a majority vote could submit to the people the question as it is submitted now, Shall there be a Convention called?

I thank you for your attention, gentlemen. I thought it was for me at this time to simply explain in a way the details of my Resolution No. 13.

MR. PETTEE of Durham. Mr. Chairman and Gentlemen: My objection to the present method of amending the Constitution is that it is not conservative enough. I think the remarks of the gentleman from Concord (Mr. Lyford) giving us the history of our Constitutional Conventions quite clearly show that. I do not agree with some of the remarks with reference to the high type of this Convention. I believe that the type of this Convention is a higher type, a much higher type, than we get ordinarily in our Legislatures as a whole. And because of that fact, when we gather here we feel that we have the ability, and it is our duty, to go over the whole line of legislation, to

consider it carefully; and it is the history I think, as shown by the gentleman from Concord, that as a necessary result of that we universally bring up here a large number of methods of amending the Constitution. That large number of amendments is presented to the people in a mass, and never adequately considered because of the large number.

Therefore, I feel that there should be some method by which, very conservatively, the methods of amending the Constitution, or certain amendments of the Constitution, may be brought forward without having the temptation of going over the whole matter, as necessarily has to be done now. And so I would have a much more conservative method of amending the Constitution than has been indicated here. I believe that a method could be worked out including the sending to the people of not more than two measures, which would be a great advantage; and limiting to a very short time, at the beginning of a session, the number of amendments that could be presented, and the selection by groups for discussion; so that the objection of the gentleman from Concord to the large amount of time that the Legislature would have to spend upon the subjects could be largely eliminated. In this very conservative way, properly worked out, we could get a method by which the kind of a constitution that we have here would not be called together oftener than once in about a hundred years. It seems to me that that would be the desirable thing to aim at.

I think we shall all agree that as government becomes more intricate there is more necessity for detailed legislation. We see that the more intricate the government becomes in the larger States, the more necessity for legislation, and the more necessity for constitutional amendments. If I understand properly the statistics as given by the gentleman from Concord, our history shows it. The sixty-year period was far back. Have we not been calling Constitutional Conventions lately about as often as we could? Is not that likely to happen in the future? Can we go by averages, including that sixty-year period? Is there any hope of that?

So, for the sake of conservatism in the matter of our Constitution, I hope we can devise a method which will be more conservative than the present.

Mr. Duncan of Jaffrey moved that when the committee arise it report that Resolution No. 3, Resolution relating to Mode of Submitting Amendments to the Constitution, be referred back to the Committee on Future Mode of Amending the Constitution, and other Proposed Amendments, with instruction to report the same favorable in new draft.

The question being on the motion of Mr. Duncan of Jaffrey—

MR. LYFORD of Concord. Mr. Chairman, the gentleman from Jaffrey (Mr. Duncan) desires to offer a resolution. I would just as soon the vote would be taken on that as on the resolution that I might offer later, that the Committee rise and report.

THE CHAIRMAN. The Chair awaits the pleasure of the Committee.

MR. DUNCAN of Jaffrey. Mr. Chairman, I do not want to stop the debate; I understand it can go on, if anyone wishes, after I offer this resolution. I offer it simply to bring the question before the Committee in a way in which it can be voted upon.

MR. WALLACE of Canaan. As chairman of the committee on future mode of amending the Constitution, I wish to say that there are four bills which bear upon this question, which were all reported inexpedient by the committee. I do not think that the committee desires that this subject return to them for consideration in any form, nor do I think it is necessary for any further discussion to be had upon this question. It has been discussed here pretty thoroughly, and principally by the proponents of the resolution. I have not heard any one talk in favor of these resolutions except those who have proposed the several resolutions. It seems to me that the matter should be disposed of here and now, and not referred back to the committee to report anything at all.

On a *viva voce* vote the negative prevailed.

Mr. Lyford of Concord moved that the committee do now arise and report the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

On a *viva voce* vote the affirmative prevailed.

IN CONVENTION.

(The President in the Chair)

Mr. Streeter, for the Committee of the Whole, to whom was referred Resolution No. 3, Resolution relating to Mode of Submitting Amendments to the Constitution, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

On motion of Mr. Lyford of Concord, the following resolution was adopted:

*Resolved*, That when the Convention adjourns this afternoon it be to meet Tuesday forenoon, January 27, at eleven o'clock.

On motion of Mr. Lyford of Concord, the Convention adjourned until one o'clock.

AFTERNOON.

The Convention met in afternoon session according to adjournment.

On motion of Mr. Lyford of Concord, the Secretary was instructed to have printed five hundred additional copies of

the table prepared by him relating to the matter of reduction of representation in our House of Representatives.

On motion of Mr. Spaulding of Manchester, the Convention adjourned at 2.05 o'clock.

TUESDAY, JANUARY 27, 1920.

The Convention met at eleven o'clock in the forenoon, according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal of the preceding day having begun—

On motion of Mr. Lyford of Concord, the rules were so far suspended that the further reading of the journal was dispensed with.

#### LEAVES OF ABSENCE.

Mr. Dearborn of Effingham and Mr. Edgerly of Tuftonboro were granted leaves of absence for the day on account of illness in their families.

Mr. Eastman of Weare was granted leave of absence for the day on account of important business.

#### RESIGNATION.

"ANSONIA, CONN., January 3, 1920.

*"Bernard W. Carey, Secretary Constitutional Convention,  
Concord, N. H.:*

"DEAR SIR—Allow me to present, because of enforced absence from the state, my resignation as delegate from Ward 8, Nashua, my resignation to take effect at once.

"Respectfully,

"EDWARD EVERETT CLARK."

The resignation was accepted.

## REPORTS OF COMMITTEES.

Mr. Emerson of Milford, for the Committee on Future Mode of Amending the Constitution, and other Proposed Amendments, to whom was referred Resolution No. 15, Resolution relating to the Referendum of Measures Enacted and Rejected by the General Court, and Future Mode of Amending the Constitution, having considered the same, reported the same with amendments suggested by the introducer of the resolution, Mr. Duncan of Jaffrey, without prejudice.

The report was accepted.

Amend Article 6 in line 3 of the printed copy, after the word "adjournment," by adding the words "of any session," and in line 17, after the word "any," by adding the words "session of the," so that as amended it shall read:

ART. 6. No act or resolve enacted by the General Court shall take effect earlier than ninety days after the final adjournment of any session of the General Court passing the same, except appropriation bills authorizing expenditures from the treasury of the state for purposes authorized by existing law, and excepting also acts or resolves declared to be emergency measures. An act or resolve declared to be an emergency measure shall include a preamble, briefly setting forth the facts constituting the alleged emergency. A separate vote shall be taken on the preamble to such act or resolve by a call of the yeas and nays, and unless the preamble is adopted by a two-thirds vote of the total membership of each branch of the General Court, the act or resolve shall not be an emergency measure.

If within ninety days after final adjournment of any session of the General Court a referendum petition signed by not less than four thousand qualified voters, etc.

Amend further by striking out on page 6 the words "Strike out Articles 97, 98 and 99 of Part Second of the Constitution," and all words following.

On motion of Mr. Lyford of Concord, the resolution and accompanying report were laid on the table.

Mr. Buxton of Boscawen, for the Committee on Bill of Rights and Executive Department, to whom was referred Resolution No. 6, Resolution relating to Pensions, having considered the same, reported the same with amendments, with the recommendation that the resolution, as amended, be adopted by the Convention.

Amend by striking out the words "especially in a young one" in line seven.

The report was accepted.

The question on the adoption of the amendment to the Resolution as proposed by the committee—

On motion of Mr. Streeter, the resolution with accompanying report was laid on the table.

On motion of Mr. Lyford of Concord, the Convention resolved itself into a Committee of the Whole for the purpose of discussing—

Resolution No. 18, Resolution Relating to the General Court.

Resolution No. 19, Resolution Relating to Representation in the House of Representatives.

Resolution No. 25, Resolution Relating to the House of Representatives and Senate and the Compensation of the Officers and Members Thereof.

Resolution No. 29, Resolution Relating to the House of Representatives.

Resolution No. 31, Resolution relating to the House of Representatives.

Resolution No. 34, Resolution in relation to the House of Representatives.

IN COMMITTEE OF THE WHOLE.

(Mr. Emerson of Milford in the Chair)

MR. LYFORD of Concord. Mr. Chairman, I think we will make progress if we consider those propositions first that relate to the district system. If the district system is approved by the Committee, why, then we need not consider these other propositions. If it is not approved by the Committee, then we get down to the question of a continuation of the town system on some plan. I think that Nos. 18, 19, and 25 propose a district system of some kind.

THE CHAIRMAN. You hear the suggestion of the gentleman from Concord.

MR. COBLEIGH of Nashua. Mr. Chairman, what is the action to be taken on that? Was that a suggestion or a motion?

THE CHAIRMAN. The Chair understood it to be a suggestion, and not a motion.

MR. COBLEIGH of Nashua. Mr. Chairman and Gentlemen of the Committee: I think the suggestion made by the gentleman from Ward 4 is an excellent suggestion. I also believe that there is not a man or a person who has introduced a resolution—any one of these resolutions—that has any particular pride of opinion, or desire that his particular resolution shall go through, unless it is the judgment of the Convention that it is the most practical one to present to the people of New Hampshire, and the one that will stand the best chance of being adopted. Everyone concedes that there should be some modification of our Constitution.

In coming to a consideration of the various matters involved or covered by the resolutions that are now under consideration, we are struck at the outset with these propositions: first, our abnormally large House of Representatives; second our relatively small senate; third, the rather small compensation paid the members of our General Court. We will not take up any particular time discussing this last feature, or the last two



questions, at this time; except, as all three are covered and provided for in my resolution, I will take advantage of that to give some comparative figures taken from this State and other states which I trust will be of interest to at least some members of the Committee.

One State, New Hampshire, has a House of Representatives of over 400 members, four states a house of representatives of some 200 and 300 members, twenty-six states between 100 and 200 members, seventeen states a house of representatives of less than 100 members.

The states having the five largest memberships in their houses of representatives are New Hampshire, with 404 members, and a population—and these figures on population are taken from estimates made by the Government in their investigations and partial census of 1916—New Hampshire with a population of 442,506. Connecticut with 258 members, has a population of 1,244,479. Vermont, with 246 members, has a population of 363,699. Massachusetts, with 240 representatives, has a population of 3,719,156. Pennsylvania, with 207 members, has a population of 8,522,017.

Adding all the results together, or, rather, the numbers of the houses of representatives in the United States together, we find, taking in all of the States, that the average membership of the house of representatives of the various States of the United States is 118. Taking out the five States having over 200 members, to wit, New Hampshire, Connecticut, Vermont, Massachusetts and Pennsylvania, the average number of representatives in the remaining States is 100.

Figuring this matter in another way, we find, adding all of the numbers of all of the houses of representatives in the United States together, and dividing it by the population, that the average member of a house of representatives stands for and acts for 19,863 people, while in New Hampshire under our present system, one representative on an average represents 1100 people plus—it is between 1100 and 1200; while under the Lyford resolution, if the Convention adopts his suggested standard of 325, it will be 1361 people.

New York has the smallest number of representatives according to her population, each Assemblyman representing on an average of 68,489 members. New York has a population of 10,273,375, and is looked after by an assembly, which corresponds to our House of Representatives, of 150 members.

Now while I am on my feet I will give some figures in regard to the senates throughout the United States. The rule seems to be about one senator for 2, 3 or 4 representatives. New Hampshire under the present system has one senator for about 17 or 18 representatives. Nine States, including New Hampshire, have a senate of less than 30 members. Nineteen States have a senate of from 30 to 40 members. Thirteen States have a senate of from 40 to 50 members. Seven States have a senate of over 50 members. The largest State senate is that of Minnesota with 67 members, while the smallest is Delaware, with 17.

The largest number of representatives in any one State, as has already been stated, is New Hampshire with 404. The States having the smallest number are Delaware and Arizona, with 35 each. There are five States that have a smaller number of senators than New Hampshire, but they have an exceedingly low or a small number of representatives. The five States that I speak of are Nevada, which has a senate of 22, with 53 representatives; New Jersey, with a senate of 21 and a House of Representatives of 60 members; Arizona, a senate of 19, with a House of Representatives of 35 members; Utah, a senate of 18, with a House of Representatives of 46; and Delaware, with 17 senators and 35 representatives.

In looking up this matter and reviewing the work of Constitutional Conventions from 1850 down to date, no subject has taken up so much time and been so thoroughly discussed as the question of representation. I venture to say that the matter of the reduction of the New Hampshire House of Representatives has been talked about and discussed more times, by more people, and more earnestly debated, than all other propositions for all the changes in the Constitution put together. Back in 1851 they devoted a great deal of time in going over practically every proposition except perhaps the unique proposition of the gentleman from Jaffery, (Mr. Duncan), on a reduction of membership of the House or an increase and change of the Senate. I will not take up your time to state what those changes were, as this information is contained in the manuals and you can look it up if you are interested in it. But let me call your attention to this—that they finally submitted a proposition making every town of 750 polls or 752, entitled to one representative, and an increasing mean of 1,550, but with the provision that no town or ward should have over five representa-

tives, if I remember it correctly. This was rejected by the people by a vote of 6,147 yeas, and 33,750 nays. From 1793 to 1896 they had a basis of representation very similar to Resolution No. 34, that is, in form, except that the basis of the first representative was a certain number of polls and a certain increasing mean for additional representatives.

I take it that we all subscribe to the proposition that "A man's a man for a' that," and it does not make any difference whether he is the sole voter or one of two or three voters in a very small town, or whether he is a foreigner raising his family and laboring in one of our larger cities. The proposition that was finally adopted, after having discussion of almost every conceivable theory of change, in 1876, was that suggested by the then promising, and now eminent gentleman from Ward 4, Concord (Mr. Lyford), and they took a step in advance, and changed the basis of representation from the ratable polls to population; which, it seems to me, and to a great many, is the only fair and equitable method that you can devise; and every other proposition of polls, voters or property is inequitable and unjust because, Mr. Chairman and gentlemen, each of us feel, and actually have, the same responsibility—every resident of our district or town or ward, wherever we come from, whatever his station in life may be, or how long he or she proposes to remain one of our constituents.

Perhaps it will help us just a little if I just suggest the propositions that are before this Committee at this time, without taking up the time except just to state the general purpose, without attempting to discuss them or take away the opportunity from the authors of the same to do so. I take them in the order in which they were filed with the secretary.

Resolution No. 18, introduced by the gentleman from Jaffrey, Mr. Duncan, provides that the state shall be divided into 20 districts, and that each district shall have five representatives chosen at large, which would make a decrease of the Legislature to 100 members. This carried with it also the proposition of abolishing the senate.

Resolution 19, introduced by the gentleman from Henniker, Mr. Childs, provides for a district system of 100 districts, to be divided as nearly equally as possible, and with one representative each.

Resolution No. 25, introduced by myself, contemplates a re-districting of the State, dividing it up into 200 districts, as

nearly as practicable according to population, giving one representative to each district. And also providing for 40 senators, which would be one in five—one senator to five representatives; and also changing the system of a flat rate of compensation to a per diem compensation. The last part of my resolution I do not deem of very much importance.

Resolution No. 26, introduced by Mr. Woodbury of Woodstock, relates to salaries.

Resolution No. 28, introduced by the gentleman from Danbury, Mr. Dean, provides for a senate of 36 members, based on districts.

Resolution No. 29, introduced by the gentleman from Danbury, Mr. Dean, provides for retaining the present system of electing one representative in towns of 600, and making 1800 additional population the increasing mean, and provides for a system of classifying towns and allowing them to elect, if under 600, their proportional representative, that proportional number of times that their population bears to 600.

Resolution No. 31, introduced by the gentleman from Concord, Mr. Metcalf, also provides for increasing the mean from 1200 as at present, to 1800.

Resolution No. 34, introduced by the gentleman from Concord, Mr. Lyford, as has been explained to you—and I assume that every one has looked over carefully and considered not only the resolution itself, but the interesting and valuable information contained in the tables prepared by the gentleman from Concord—contemplates a House of Representatives of not exceeding 325 members. Without entering into a general discussion of the merits of this particular resolution at this time, permit me to call attention to one defect in it, which, if the Convention sees fit to adopt that finally, I think could be easily remedied, and that is this. While it provides that there shall not be over 325 members, if I read the resolution correctly, the matter is entirely up to the Legislature and they can fix the standard for the first representative, if they see fit, at 1,000, which would very substantially reduce the membership of the House. I don't expect anything of that kind, as radical as that, would happen under our present basis of population.

MR. BRENNAN of Peterboro. Doesn't it say not exceeding 325?

MR. COBLEIGH. No, not exceeding 325. There is a high limit, but no low limit. I doubt whether the resolution in that form would meet the approval of the Convention. I am reminded in

the general discussion of these propositions of a remark made to me in 1902 by a distinguished citizen of New Hampshire, when we were discussing the so-called Barton resolution, which was finally submitted to the people that year—that that resolution, or any other proposition reducing the membership of the New Hampshire House of Representatives, would never be adopted by the people until a proviso of something like this was placed on the end of it: Provided, that this shall not go into effect until every third selectman has been elected a member of the House of Representatives.

The question is so old that I am not going to weary the Committee with any extended discussion or plea for the district system or for the resolution that I have offered. I simply state this: That for 70 years we have been attempting to patch up an antiquated system that is the laughing stock of the people of every other State—a matter with which perhaps we have very little concern—but which is a fact, and have never made any progress whatever except in 1876, when, under the leadership of the gentleman now from Ward 4, Concord, then of Canterbury, the Convention, as I said before, suggested a proposition to the people which was a step in advance, in the line of fair play and the trend of the times, in making population instead of polls the test, and raising the increasing mean enough so that there was a fairly substantial reduction at that time.

The burdens in the discussions in the Conventions of 1889, 1902 and 1912, was that we must be practical. Many of the men advocating the resolutions that were finally adopted, who are now supporting the Lyford resolution, concede that the district system is the only fair system that has yet been suggested, that is absolutely fair to all; or, to put it another way, is fairer to every man, woman and child in the State of New Hampshire than any other system. But for the reason that the people, or the Conventions have rejected it, so to speak, the conventions in the past, in 1902 and 1912, swallowed their convictions and adopted a resolution that seemed expedient but which was repudiated by the people at the polls.

I wish to go on record as making the prediction that if we undertake to patch up this system and take a step backward, making a little aristocracy for the purpose of the representation of legal voters instead of the population, you will have great difficulty in ever convincing two-thirds of those who will

vote upon the question that this change ought to be made. We must remember that there is very likely to be, perhaps with any proposition that is suggested, or with any of the propositions that have been suggested, if adopted—that more than one-third of those voting on it will say that they are not convinced that it is the proper thing to do. We have had the experience in the last two Conventions of submitting propositions, one of 1800 and the other of 2400 as an increasing mean, to the people. Some of us may remember something about the Convention of 1889, where they talked a while and didn't get anywhere.

Now, it behooves you and me, Mr. Chairman and gentlemen, to use our best judgment, and formulate and present to the people of New Hampshire, a resolution looking to the reduction of the House, possibly a change of the senate, along lines that have the unqualified approval of our own judgment and sense of fair play and justice. Unless we do that the time taken to formulate and present a resolution to the people will be wasted, unless it starts an educational campaign that may bear fruit in some future constitutional convention.

Let us adopt a district system, not necessarily the bill offered by myself, or the resolution offered by the gentleman from Henniker (Mr. Childs), but decide upon a number to which we think we ought to reduce our House; then devise a method of dividing the state into districts; and then we can go before the people and say to every voter in the State of New Hampshire, "You are getting just as square a deal as any voter is in any town in the State of New Hampshire; you are not three times as good as your fellow voter in the city." Or, to the people in the city, "You have not only one-third the intelligence or capacity for representation that the voter in the small town possesses." That practically tells the whole story.

Then, again, any system that cuts off any substantial number of people from actual representation in any Legislature in the State of New Hampshire is inherently and essentially wrong. There cannot be any question or any difference of opinion about the principle. The work of two conventions along this line has gone for naught because of adopting a principle, or rather the tactics, which seems to be the strong argument in favor of Resolution No. 34, of being practical. Unless you can be fair as well as practical it will be of little use to present

any proposition to the State of New Hampshire that lacks that essential quality.

There is, of course, no limit to the various matters or various questions that we will be required to answer when our labors are ended. It does not seem to me that it is necessary—not for me at least—to take up the time of the committee in discussing them. I simply in closing say that I believe heartily in the principle of the district system. I also believe that we may talk, scheme and plan as much as we like, but that it is the only radical change that will ever be made by the voters of the State of New Hampshire, because it is the only one that can be made that is fair to every voter; and it is the system that has been adopted and found practical and satisfactory in nearly all of the States. Only three States, as I understand it, still retain the town system—Connecticut, Vermont and New Hampshire. I thank you for your attention.

MR. DEAN of Danbury. Mr. Chairman, the course of the discussion at this time must necessarily resolve itself into a discussion of the relative merits of the town and district system. Now, as the introducer of Resolution No. 29, I simply covered the resolution then before the Convention that was put up to the people by the Convention of 1912, and which was the Committee's resolution. It seemed to be fair, and came very near of adoption by the people, the vote being 21,399 in favor, and 10,952 against. A change of 500 votes would have made it the constitutional law of the State.

The trouble with the district system is that it does not represent fairly. Theoretically, if you had 400,000 people, with 400 representatives, divided on the basis of a thousand population, you have got perfect representation, but you cannot cut humanity into blocks and squares in that way; it is a community interest that it represents. In a large town or a city, where public opinion quickly forms itself through the press, where the people get together, and where their interests are at stake, after a plan has been formulated a few men can as well represent that locality as a larger body. But the country is differently constituted. The population is scattered. The rural towns are far apart; that is, population in large bodies is far apart. Natural divisions divide those old towns; people do not get together there quickly. The districts must necessarily be cut along arbitrary lines, and you are going to get a certain number of population, while you have got a different kind of



population in adjacent towns. Two towns may be on each side of a mountain range, with their separate problems, with perhaps a healthy rivalry, as there is between cities. When you make a district embracing two or three of those towns, and perhaps two or three small towns to make up the population, those small towns never have a chance. Their interests are vital to them; certainly they are all interested; even though they are small, they are all the interests they have.

We might take a little time to see what the character of the rural population is. We all admit the desirability of maintaining that population. The gentleman from Londonderry (Mr. Pillsbury) spoke the other day, on the forestry question, to the effect that the present population has not been able to maintain the cleared lands. Undoubtedly the statistics are correct. There are one million and so many hundred thousand acres of land that had been cleared by the original proprietors, that have gone back into forests. He also submitted the fact that some of those towns have lost half, some of them two-thirds of their population. I submit that the present generation has done pretty well to keep the land cleared as much as it has. At the close of all we find out one thing, and it is a very pertinent fact, too: That during the past year the farmers in this country have made a production of normally 100 per cent, and the rest of the industries on the average have been 60 per cent. Now it is not pleasant to think of what might happen if the farmers reduced their production to 60 per cent instead of 100 per cent throughout the United States. It is a fact in these rural towns today that the farmer can get a good living if he has a mind to work hard, but it is easier to go away, and the result is that they have.

No one can see the stone face on the side of the mountain, placed there by nature, up in the Franconia Mountains, but will be impressed with the story, told perhaps 75 years ago. Whatever occupation a man was engaged in, he hung out a sign representing his occupation. If he was a dentist he hung out a gigantic tooth, if a watchmaker, he hung out a watch to represent his trade. But up in the mountains the Almighty had hung out a sign that in New Hampshire he made men.

Now, gentlemen, if this population is desirable some better means than has already been devised perhaps must be necessary to bring back that population again. Digressing a little more, I will call attention to the situation at the present time in rural



New Hampshire, and in my own town. I stood one day on a hill on the farm, and I could count within a mile and a half of where I was, within a radius of a mile and a half, where there had been 32 separate dwellings at some time. At that time, two years ago, there were 16, and seven were inhabited; two by the families who originally lived there during my time. The little schoolhouse where I went to school, a mile and a half away up one hill and down another, has been closed for '30 years. The town fathers decided to sell it, or thought it was a good idea, as there was pasture land there, where they might take that land and make a house for sheep; but the more I thought it over the more I didn't want to do that, hoping that the time might come when those hills should be repopulated again, when that agricultural land should be tilled by a vigorous population, when the doors of that schoolhouse might swing open to receive the children who might enter.

Now, I do not maintain that country representation is going to solve this problem. They will help solve it. As I said before the district system theoretically represents; practically it doesn't. It takes more men to represent the country districts fairly than it does the cities, for the very reasons I have stated. It is not a question of the preponderance of votes, it is not a question of the city and country outvoting each other. Their interests are identical and harmonious; and the cities already recognize the fact that a good vigorous rural population is a necessity. Some solution of the problem is desired. The fields are receding, the forests are rising. People go from the country to the city. The movement "back to the farm," has not been a success. A man comes up there and stays three months or three years. Oh, you tell me you know of individual cases. That is true, there are individual cases, where they come back to stay. But when a boy packs his suit case and leaves the farm and goes to the city he rarely ever comes back. He comes back perhaps to be buried. We want twelve-months-in-the-year men, not the man who stays two months and then goes back to the city, the way the birds go to the tropics. We want the man who stays there and fights it out. We have had them there before, we can have them there again. To maintain our country representation will help us. No little town wants to be without representation. They have their mutual interests in a way, they have their individual interests, and it is desirable that they have a chance to gather together with you in the

house of legislation. They may not be as able as some, but they represent the great volume of settled judgment. There are always in any representative body some men who lead, but the great mass finally decide, and their judgment is good. A good sized house seems to be desirable. There is no more freak legislation passed in New Hampshire than in the States with small representation.

I think, without discussing the merits of the individual bills, that the Lyford bill is a good one. It provides, of course, for the constitutional maximum amount of representation; it also provides for the constitutional minimum amount of representation. Without going further into the discussion, gentlemen, the district system does not apply to New Hampshire in good shape today. The town system of government has existed prior to the Constitution and as long as this town system of government shall be maintained a town system of representation on a fair basis should be maintained.

MR. DUNCAN of Jaffrey. Mr. Chairman, I have two hobbies which keep up my interest outside of my business. One is the science of government, one is the science of taxation; and on those two hobbies my attitude is based upon the best information I can get from the sources at my command and on my own opinion of what is right regardless of expediency. Fortunately, however, sometimes expediency coincides with what is right. And I always rest satisfied in the assurance, that if I am right sometimes the right will be expedient; if I am not right I deserve to lose. My position, my opinion, on the question of representation is based on those points.

Now, Resolution 18, which I introduced, is the result of my study of the science of government. The business of governing a State should be no different from any other business. In looking over the business world we find that there are in the United States a great many business corporations doing a larger annual business than the State of New Hampshire, and in doing their business they do not require a two-chambered Legislation, a two-chambered body of directors. They do not require one representative in their board of directors for every 1100 stockholders. They do not look toward anything except efficiency in the matter of conducting their business.

We find on looking over the New Hampshire House of Representatives for a term of years that on the average there are 40 men who conduct the business of the House of Representatives.

I think any of you who have watched the House will agree with me—I have watched it very closely for several years—that those figures are practically accurate. Beyond that there are about a hundred out of every House who take some part aside from voting on the business of the House; from one end of the session to the other they say something.

From observation of actual practice in the New Hampshire Legislature I came to the conclusion that a Legislature of 100 was the correct amount; and I was rather surprised in looking over the size of the popular body in other States that the average was 100, excluding New Hampshire; which led me to the conclusion that perhaps my idea of right was coming somewhere near expediency, as shown by the opinion and practices of other States.

Resolution 18 provides, in the first place, for a single chambered General Court, of 100 members, elected from 20 districts, five from each district. The pay shall be \$800 for a term of 2 years for each member, and \$1,000 for the presiding officer. We find in looking over the business world, that boards of directors of corporations are not limited as to the times when they shall meet; they meet when it is necessary; and it struck me that it would be a proper thing that a General Court, a representation of the people, should meet possibly oftener than two years, and that could be done if we had a smaller body in the General Court. Therefore Resolution No. 18 provides that the General Court shall meet twice a year, once every six months. Then we will have a body which will be practically in continuous operation to do work when the need requires, to pass legislation as the need requires, and in the interim to be considering matters which are presented but are not fully developed, so that they could be discussed by the people of the State and by the General Court in the meanwhile.

Now, so far the proposition is largely academic, because I expect that the people of New Hampshire would not follow me to that extent of efficiency in the State affairs. But when we come to the proposition of this General Court which I have suggested we find what I believe is a practical application for our House of Representatives—a body of 100 men, elected at large, five from each of 20 districts.

In representation as in taxation we have in the past been trying to represent localities; as in the past, we have been trying, and do now try, to tax things. Now a thing cannot be

taxed. It is persons who are taxed. Who ever saw a house walk up to the town tax collector and pay a tax, and yet we say we tax a house. We tax a dog, yet the dog does not pay the tax. And so in taxation we are trying to tax things, when the only thing we can tax is persons, and we have various excuses for taxing persons.

When we come to legislation, to the House of Representatives, we are trying to represent localities, when as a matter of fact all we should try to represent is people—the people who live in our community. Those are the interests that we should represent, and it is futile, in trying to represent people, to try to represent localities or to divide representation on the basis of locality. As was shown you by the gentleman from Nashua (Mr. Cobleigh) representation based on locality is unjust. Some localities have greater force in legislation simply by being small than other localities have, on the basis of 600 population for the first representative, and 1200 for the increasing mean that is, a person who lives in a town of less than 600 has one-six hundredth influence in the Legislature, with one representative, while a man who lives in a larger town has one-twelfth hundredth or something like that. That is not a Legislature “based on principles of equality;” and the district system would give us such a Legislature so far as representation of locality is concerned.

Now, if we could find some way in which we could represent the interests of the people instead of simply locality, we would be beginning to approach something workable, efficient and just in representation; and in this case we are not limited to the experience of New Hampshire for methods of representation. So one provision of Resolution 18 is that these five representatives from each district shall be elected by a proportional representation.

Proportional representation I fear we do not know a great deal about in New Hampshire, and yet in the world at large it is a recognized method of electing representative law makers. The best known system, the one that has worked out with success, is what is known as the “Hare-Spence System,” and so that is mentioned by name in Resolution 18. In short, it provides that people may be represented by interests. In a representative district, to be represented by five legislators, there may be a multitude of interests. There may be a community of interest, of manufacturers, even in rural communities. There may be

business interests, and there certainly are farming interests. And so under a system of proportional representation, with a five-member district as provided in Resolution 18, it will be possible for every interest in the district which can bring to its support one-fifth of the voters to elect a representative.

Here we are approaching true representation, because if you and I think together it is immaterial whether we live together or not. We would be more truly represented by having some one represent us in the General Court who thought as we did than one who happened to live in the town that we live in.

Another advantage of the proportional representation proposition is that it would eliminate that bugaboo of politicians and voters, the direct primary; because under proportional representation it has been shown time and time again that it is immaterial how many candidates we have for any office, by the transfer of votes in accordance with the preference of the voter as shown on the ballot votes can be transferred from one candidate to another until each man is represented by somebody for whom he voted.

For instance, if Mr. Jones was a candidate for representative from my district, and he was my first choice, under the present system I should have to go into the primary and try to get Mr. Jones nominated, but if he failed of nomination, why, then I would not have a chance to vote for him in the election, and therefore I would be deprived of representation of my choice. But if Mr. Jones was my first choice, and I expected that he might not be elected, I would vote for Mr. Smith for my second choice, and Mr. Brown for my third choice, and by indicating on the ballot my successive choices, when the ballots came to be counted by the ballot clerks they would count those votes just exactly in accordance with my idea, and I would have somebody out of five representatives in the General Court directly representing me and helped to be elected by my vote.

Now, in New Hampshire we have not that system. We have a district system of electing senators, 24 districts, and we find that we are not anywhere near reasonably represented, except by courtesy. For instance, in the election of 1916 there were some 85,000 votes cast for Governor, and I assume that the vote cast for state senators was approximately the same. In that election around 54 per cent of the votes were cast for the Republican candidate and 46 per cent of the votes cast for the Democratic candidate. So if we were to be proportionately

represented in the Legislature—and I am speaking of the senate because it is more easily understood and more easily figured—the proportion in the senate should have been about 13 Republicans and 11 Democrats. But when we come to look over the figures we find that in that senate there were 67 per cent Republican sand 33 per cent Democrats.

In the Legislature of 1918 the vote for Governor was practically the same but we had 79 per cent Republicans in the senate and 21 per cent Democrats. I am not making a plea for an increase of the representation of the Democratic party, but you will admit right off that there were certain people that were very much under-represented in our senate.

That works both ways. In a district which elects a Democrat the Republicans are practically unrepresented; in a district which elects a Republican the Democrats are practically unrepresented. It is just the same when you get down to cities. In a city, or a ward, or a town there are always some people that are not represented. Now, if you could adopt a system of proportional representation every interest in the district which could muster one-fifth of the voters, according to this plan would be represented.

This is no new thing, as I indicated before. Belgium has elected its deputies for years by a proportional representation system. France elects its legislators by a proportional representation sytem. Australia, practically all the states of Australia, use the same system, and it is working out satisfactorily. In the United States we have three cities which are electing their city councils in this way: Ashtabula, Ohio; Kalamazoo, Michigan, and Boulder, Colorado; and the reports which I have been able to get from those places are that it is very satisfactory. The secretary of the Convention suggests to me that Nashua has that system. I would correct him if he were a speaker on the floor of this Convention, because, with all due respect to him, Nashua does not have a system of proportional representation, but a system of preferential voting, which is vastly different.

This plan which I have suggested in Resolution 18, as I said before, is largely academic. No plan of a similar kind has ever been introduced for a state government to my knowledge except by Governor Hodges in Kansas in about 1915. But I am convinced that along these lines we must proceed if we want to make our government truly efficient, and I am more con-

vinced that we ought to adopt a district system of representation, with the legislators elected by a system of proportional representation, because that is the only fair, just and equitable and truly representative system.

MR. CHILDS of Henniker. Mr. Chairman and gentlemen: I was very glad to hear the gentleman from Nashua, Mr. Cobleigh, speak before I did, because he said many things that I had intended to say, and he said them so much better than I can that I am very glad that we heard him first. He certainly told you a great deal of truth, and told it very impressively, especially in his effort to impress upon your minds that there is only one fair, honest and just method of apportioning representation. We have had since our Constitution was adopted a patchwork system, which the members of the first Convention, who framed the Constitution, feared would in the coming years work out just as it has, and gave us an unwieldy, and unmanagable, House of Representatives.

Various conventions heretofore have attempted in a way to remedy the difficulty, which had become so apparent. They have tried various methods of patching the old system. They have never yet touched upon a system which was essentially different. Now, how does this system which we have at present result? It has been patched and fixed, and we are going to fix it some more this afternoon when the gentleman from Concord (Mr. Lyford) gets the floor, and we are going to continue the same old system with a new patch on it. As a result of this system there are in the present Legislature 31 towns disfranchised, with absolutely no voice in the present Legislature—31 of the smaller towns. To be sure, they do have some time in the course of ten or fifteen years an opportunity to send a man here.

Under the resolution and tables prepared by the gentleman from Concord (Mr. Lyford) and Resolution No. 34, there will be 97 rural towns absolutely disfranchised a part of the time. Now you know there is not a man here that dares claim that that is just to those towns.

In Resolution No. 19, which I presented, I fixed the number of representatives at 100, redistricting the State and giving each district one representative. As has been shown you already, 100 representatives answers the purpose, as far as we know, as satisfactorily as any, in a majority of the States of our Union, and why shouldn't it satisfy us? Is there any reason why 400



men can do a job here in the winter that 100 men could not do quite as well? I will not detain you any further with that matter. I am not a stickler for 100 representatives. If we could have a house of 200 we would be twice as well off—yes, four times as well off, as we are now. But I believe that 100 is enough.

Then you will notice in the last part of my resolution that I propose to change the basis of our representation. At present, in the little country town in which I live, and which perhaps may be taken as a fairly representative country town, with between 1300 and 1400 inhabitants, we have one voter to three of the population—just a small fraction over three. Manchester has one voter to eight of its population. Where are the rest of Manchester's population? I take Manchester because it is a city having large manufactures and a large foreign population, a large alien population. We find the same condition in a greater or less degree in every manufacturing town which employs an alien population in its mills or in its factories. Now, why should citizens of Turkey or Russia or Germany, and the gypsies of Austria-Hungary, have 30 or 40 representatives in our House? Is there any justice in giving those aliens, those citizens of foreign countries, representatives here? Of course, I cannot give you just the representation that they have, because the State has as yet no figures on what our alien population is. Besides that, we have no figures which show the people who are temporarily at work in Manchester, in Nashua, or in Berlin, who are citizens of some other state, who are there temporarily, but count in the population. They are not fixed, they are not entitled to representation in those places in which they happen to be at the time the census was taken.

The only accurate measure of the citizenship of any town or of any city is those citizens who are entitled to vote and who have had their names placed on the check list. You may declaim as much as you please about padding the check list and keeping dead men's names on it; there is nothing in our State that is so thoroughly and accurately guarded, and so open to the inspection of all citizens, as the check list.

MR. TYNG of Ashland. Very briefly, I want to speak about what I think is the question we are now discussing—the size of the Legislature. We have had certain statistics given to us to show (though we did not need statistics for that) that we had the largest legislature in the country. It was also stated



that in two of the States there was a legislature of only 35 members. And there are other States, a larger number than two, that have under 50.

Now, one of the speakers has already spoken of 100 members (and that is the lowest number that is proposed) as the average, and thinks it quite proper that we should have the average number. But in population we are well below the average. Surely we ought to consider whether some smaller number might not be better.

The main point that I want to make in regard to this is the question of expense, the question of the cost of our government. One important thing that we have done so far in the Convention is to enlarge the sphere of taxation. That was quite right. But when we are enlarging the sphere of taxation we ought, it seems to me, to do something also to bring down expenditures.

The expense for the salaries of 404 members, at the very low rate of \$200, is \$80,800. Our deficit this present year, as the state treasurer has given it to me, is \$644,960,32. The revenue needed is over three million dollars, slightly over half. Then, in addition to the salaries of members, there are traveling and other expenses connected with the Legislature. We could do much therefore to reduce taxes if we reduced our Legislature; and, as the burden is great, it seems to me that we ought to reduce it pretty far. If there were forty members (Delaware and Arizona have less), we could reduce salary costs from \$88,000 to \$8,000, and 40 men could do the work far better than 400.

I mentioned once before that two-thirds of what was done by the legislatures of 1913, 1915 and 1917 was to repeal or amend the laws of preceding legislatures. And, quite apart from the question of expense, the great number of members of the Legislature, and the want of the guidance which ought properly and constitutionally to come from the executive, has brought it about that all kinds of laws are passed which we know nothing about, and cannot know because there are so many of them. We are supposed to know the law;—but we are necessarily ignorant of it.

If we got down to one-tenth of the present membership we should not only have a very much better Legislature, but also do away with a large part of our deficit. Taxation increases more and more. Why should we throw away this opportunity for decreasing taxes, which most of the voters of the State as-

surely want, and at the same time refuse to give them a more efficient and responsible legislature?

MR. METCALF of Concord. Mr. Chairman, having introduced a resolution with reference to representation in the House, I suppose I may be expected to say a word in favor of it. But I will say first that the proposition of the gentleman from Jaffrey (Mr. Duncan) is an ideal proposition. If it could be adopted I would like to see it done. A House of 100 members, and no senate, would be exactly to my taste. That would reduce the number of office holders measurably. But it is utterly impracticable, it cannot be done in New Hampshire, and I think it is useless to give it any further consideration. There is a burning thirst in the breast of almost every American citizen, and especially of every citizen of New Hampshire, for office. We have got to recognize that fact here in this Convention as well as everywhere else, and that is what stands in the way of getting rid of this Constitutional Convention every few years. It is what stands in the way of getting rid of the Governor's council, which I hope will yet be abolished, and it is what stands in the way of materially reducing the representation in the House of Representatives, and wiping out the senate—this burning thirst for office which most of us entertain.

Now, the proposition that I have introduced is one which was put up to the people of New Hampshire by the last Constitutional Convention, precisely. The only change it makes in the Constitution as it stands is in changing the number of voters required for the second and each subsequent representative. It is precisely the same as that of the gentleman from Danbury, Mr. Dean, except that he has in the latter part of his resolution a provision whereby contiguous towns may be classed together and elect representatives, which I think is no improvement upon the present system of pro-rated representation; because if you take two contiguous towns, having 300 inhabitants each, and those two elect a representative each year, in the natural order of things one of those representatives would come one year, or for one Legislature for one of the towns, and the other for the other, so that one of those towns would not be represented any more than they are under the present arrangement.

Now, I favor this proposition simply and solely because to my mind it is the only proposition that can be adopted by the people of this State. It came within about 200 votes of a two-thirds majority when submitted by the Convention of 1912. I

believe if put up to the people at this time it could be adopted. I do not believe any other amendment proposed can be, and some of those proposed amendments I think are not exactly just and fair.

Now, here is that of the gentlman from Concord, from Ward 4 (Mr. Lyford), our floor leader. He proposes a House of 323, with representation based on legal voters.

MR. LYFORD. On votes cast.

MR. METCALF. On votes cast, yes. If it were legal voters it would be fairer, but it is on votes cast at a presidential election. I submit that that would not be any fair test. For instance, suppose the majority party—and I won't say the majority party, I will say the Republican party, for it is not certain that it is the majority party in this State—suppose the Republican party nominates for its next candidate for President the doctor born in Winchester who is now a general in the army, a very good man in his way, I have no doubt, but he poses really as a military man, and he is a military man, and if he were nominated for president by any party he would lose a great number of votes. There would be more than a million Republicans in this country, in my opinion, who would not vote for General Leonard Wood for president. Now suppose, on the other hand, the Democrats should put up for president—well, we will say, William Jennings Bryan. I would be glad to vote for him myself, but there are probably a million Democrats in the country who would say they had voted for him times enough, and would not vote. Well, there would be a couple of million of legal voters whose votes would not be recorded in that election; and consequently basing the representation on votes cast at the next presidential election would be eminently unfair. Suppose that when Horace Greeley was nominated for president by the Democrats this arrangement had obtained. More than a million good Democrats in this country refrained from voting for Horace Greeley and did not vote at all—took to the woods. Under this arrangement they would not be represented. And when in 1912 Theodore Roosevelt broke up the Republican party on account of his inordinate ambition, more than a million Republicans failed to vote. If this arrangement had been in effect then where would they have been? They would have had no representation at all in our House of Representatives and that would have been eminently unfair.

Then there is another proposition which I think is fully as unfair as that of the gentleman from Ward 4, Concord, and that is the measure advocated, I believe, by the delegate from Sandwich, Colonel Hoyt, which would base representation upon the check lists. Some reference has been made to that proposition by the gentleman from Henniker (Mr. Childs), and I do not agree with him at all. He says the check list is the fairest thing that can be devised upon which to base representation. Now his town may be different from most other towns, but so far as my observation extends, and I have lived in a good many different towns and cities all over this state, the check lists are padded to a wonderful extent. There are towns and wards in this state that carry along on the check lists the names of hundreds of men that never vote there, would not be entitled to vote there if they wanted to. Many of you know this to be a fact. I think that is the most unfair proposition that has been put up.

Now, it is urged against the present system, and the same argument would obtain against the system if the representation was based upon a larger number, as I have proposed—the second representative on 1800 instead of 1200—that is that it gives an unfair advantage to the country towns. I will admit that the argument in favor of the country towns is largely sentimental, but I have a good deal of sympathy with that sentiment after all. These little country towns among the hills have been raising and sending out men and women who have built up our large cities, our cities and manufacturing towns all through the state and all over the country, and we have got to depend upon these towns in the future to supply the brain and the business acumen which shall build up and hold up the cities throughout the state and throughout the nation. I think we ought to encourage them wherever we can. I do not think we ought to take away their representation. I believe that every town of 600 people should have a representative in the General Court every year. Cities are made up, as has been said, largely of alien population, who have no interests in common with the average intelligent New Hampshire voter, or the voter of any other state of average intelligence; and they are not entitled to the same consideration as the people in these little country towns upon which we must depend, as I said, for the upbuilding of the cities and the larger towns of the state. Most of our able men in all lines of business and in all professions have come from the country towns, and I do not know of any great contribution that the cities have ever

made to the country towns with the single exception of two great men who were born in Boston, Charles Sumner and James O. Lyford, and Lyford had to come up into the country and grow up in the town of Canterbury, or he wouldn't have amounted to much. I think that the gentleman from Ward 4, Concord, and the average member of this Constitutional Convention, will agree with me that the little New Hampshire town ought to be fairly represented in the Legislature of the state.

On motion of Mr. Woodbury of Woodstock, the committee took a recess of one hour and fifteen minutes.

### AFTER RECESS.

MR. LYFORD of Concord. Mr. Chairman, I made as earnest a contest for the District System in 1902, as any man has made in any convention. We were defeated in the Convention almost two to one. I do not believe that it meets the sentiment of the majority of this convention. I do not believe that the people of the state are prepared to change from the town to the district system. Consequently I am not in favor of any of these propositions that look towards the district system. Beyond that I do not care to discuss them. If no other members desire to discuss the district system, I think we might dispose of these resolutions now and then confine our discussion to the question of the form of the town system that we will adopt.

Mr. Lyford of Concord moved that when the committee arise it report with the following resolution:

*Resolved*, That it is inexpedient that the Convention adopt the following resolutions:

Resolution No. 18, Resolution relating to the General Court.

Resolution No. 19, Resolution relating to Representation in the House of Representatives.

Resolution No. 25, Resolution relating to the House of Representatives and Senate, and the Compensation of the Officers and Members thereof.

The question being on the motion of Mr. Lyford of Concord—

MR. WINN of Nashua. Mr. Chairman, I realize, as one of the younger members of the convention, that my province is probably to keep silent and not to speak, not only from the fact that my experience in legislative matters is very limited, but also from the fact that I see men around me here that perhaps have served in legislative assemblies before I was born. Such being the case, I beg your pardon for being bold enough to raise my voice here today.

New Hampshire is a confederation of people and not of towns. We are living today in a period when it is proclaimed that the people rule, that the people should rule, and the people must rule. Therefore the only fair, ideal system of representation is by a division of the State into districts according to population; and, Mr. Chairman, by a division of the State into districts according to population we are not destroying the towns, we are not destroying the unity of the towns. Representatives are sent here from the towns not alone to represent their individual towns, but to represent and legislate for the entire state of New Hampshire. The opponents of this measure will argue, and have argued, and I have heard them argue at the last session of the legislature on the poll tax question, that a better class of representatives come from the towns than from the cities; that the class of people who live in the towns is superior to the class of people who live in the cities; and not alone that, but they advance this argument: that a man who lives in a town generally owns his own farm, and therefore pays a property tax, while the people, most of them, who live in the cities, pay merely a poll tax.

Well, the only way I can see, looking at it in that light, is that the people who advocate those measures, having the power, intend to hold the same. But for the benefit of those gentlemen, if there are any present here today, I would like to state that the City of Manchester, which pays one-third of the taxes of the State of New Hampshire, has only one-seventh of the representation of the State of New Hampshire.

Now, I believe that the only question we should consider today is the question of justice, pure and simple. Every method we consider, save the method to divide the state into districts according to population, is a breach of the fundamental princi-

ples of our government. Every person, regardless of the race, color, creed or religion, is entitled to equal representation in our government. I believe that is the basis of our republic form of government, and I believe we should elect our representatives according to this basis. It is surprising, also, to hear men argue that a man who pays a property tax is entitled to more representation than a man who pays a poll tax. Well, any man who consumes anything, any man who pays rent, bears more of a burden of taxes, in indirect taxes from the Federal Government and indirect taxes from the State government, and is entitled to as much representation in our form of government, as a man worth a million dollars.

Now, there is one more point I would like to state, as regards this other proposition, besides the division of the state into districts according to population. I would like to know if the members of this convention, who themselves, I believe—and I am one of them—are not familiar with the bill of the gentleman from Concord (Mr. Lyford), how are the people from New Hampshire going to become familiar with such a measure, when you cannot explain it to anybody? How is it going to be expedient? Is it going to meet with the people's view, or is it not?

Now, the question lies before the Convention, are we, as delegates of this Convention, going to deny to the good people who sent us here the right to vote on this fair, square, just and honest proposition, or are we going to allow the present inequality to exist, and go back to our people or our constituents who sent us here, and to say, "We have done nothing, gentlemen." I thank you.

MR. CALLAHAN of Keene. Speaking about the different systems in which we can reduce the size of the House of Representatives, I believe that the district system is the only system that we could work under, and work under so that everybody in the State would be represented. We have two districts, the first and second congressional districts. Are you not represented under those districts? Don't you get representation in Washington from your first district Congressman and your second district Congressman? Why can't you get the same representation at the House of Representatives here, if you district the State into 200 districts, with 200 Representatives.

Members of the Legislature who have been here for the past four or five sessions will bear me out, that if the people of the

State of New Hampshire knew that its representatives in session here were absent perhaps a hundred at a time, I wonder if they would think they were represented. Do you think they would stand for it, if they knew that the members were absent, going off about their business, perhaps some of them working, the same as they are today? Here you have a house of over 400 members. How many are in their seats today? Are the people represented here today? No. But under the district system, where every man would have to account for his presence in the House or lose his pay, I think the people of New Hampshire would be far better represented than they are at this time, or have been in the past four sessions of the Legislature that I have been a member of.

I am heartily in favor of the district system, and why? Because, gentlemen, I have lived in the State of Massachusetts and I have voted under the district system there, and I know the advantages of it. I am well satisfied that the district system of the State of Massachusetts is one of the best in the United States, and I am satisfied that if New Hampshire would change its mode and elect from districts that you would have a far better House of Representatives than you have with 400 members. I hope that this proposition of Mr. Cobleigh's of Nashua will be given a separate vote, and not put in with the rest of the resolutions on this subject. I hope that Mr. Cobleigh, if he is present, will insist upon a separate vote upon his bill.

Mr. Chairman, let me say this: That as we have been here for going on three weeks, you can see the representation that the towns and cities have given you. Look around at these seats that are vacant. These men, many of them, have not shown up here at one session. Still when pay day comes they will receive their \$3 a day, just the same as you and I, who have been here every day of the session. Is it right? No. Something should be done, not only in Constitutional Conventions to make the attendance greater here, but also in the Legislature. I hope, Mr. Chairman, that the Cobleigh bill will be passed by this Convention and sent to the people for ratification.

Mr. Lyford of Concord withdrew his motion.



• Mr. Cobleigh of Nashua offered the following resolution:

*Resolved*, That when the committee arise it report with the recommendation that the resolutions and the subject matter be referred to the Committee on Legislative Department, with instructions to report a resolution reducing representation in the House of Representatives based upon the district system and upon population.

The question being on the motion of Mr. Cobleigh of Nashua—

MR. CHASE of Manchester. Mr. Chairman, I would like to ask the gentleman from Henniker (Mr. Childs), who offered Resolution No. 19, a question, if I may.

THE CHAIRMAN. Does the author of Resolution No. 19 desire to be interrogated?

MR. CHASE. I would like to ask him how many representatives, if his amendment should be adopted, would come from the country towns, and how many from the cities?

MR. CHILDS of Henniker. That would depend to a considerable extent upon what the check lists show as to the citizens of the different towns and wards, the relative proportion from the cities and towns. The resolution provides for 100 districts, and each district is to be apportioned according to the number of citizens, that is, the number of legal voters, and not according to population; and it depends upon the number of legal voters that are found in the different towns and different wards as to what the relation would be between the towns and cities.

MR. CHASE of Manchester. Mr. Chairman, I understood the gentleman to say this forenoon that there were too many representatives from the city of Manchester. I will agree with him on that question. But, according to his argument, if I understand it aright, and according to his amendment, if I understand it aright, we are laboring under a misapprehension here. Let me read the amendment; it is short:

"The Legislature shall, from time to time, divide the State into 100 districts as nearly equal as may be without dividing towns, wards and unincorporated places, and in making this division they shall govern themselves by the number of legal voters in said dis-

tricts, and each such district shall be entitled to one representative."

Now, in the year 1916, in the city of Manchester, there were cast 10,428 votes. Mr. Chairman and gentlemen, I would like to know how many of the towns in the State it would take to make 10,428 votes. According to the argument this forenoon, they wanted to cut down the representatives from the large cities, which I believe is right. But are you cutting them down when you district it according to the legal voters, when there are over 10,000 cast in one city? I may be wrong, but it seems to me we should go by the legal voters, and not district the State. My good friend from Concord this forenoon made the statement that if certain men were nominated for president a lot of voters would stay at home and not go to the polls. That may be. I may not like my candidate for president, but if I am not loyal enough to the best State that there is on God's green footstool to go to the polls and vote for the Governor and the representatives, I ought to be disfranchised.

MR. GEORGE of Concord. Mr. Chairman, there has been a good deal said about the number of voters in the cities and towns of the State in proportion to the number of people. I have some figures here that I wish were printed so that you could read them. I have estimated every town and ward in the State, and I find that at the last presidential election 90,000 votes were cast out of 350,000 people, making a little bit less than four to a vote. The following towns require six or more for a voter, according to the vote at that time, and I have estimated that on the basis of  $4\frac{1}{2}$ , so as to allow for those votes on the check list that were not cast.

Newmarket required seven votes and had three representatives. I have only taken these that are over six; most of the towns run from four to five. One, the town of Windsor, the smallest town in the State, cast eight votes out of twenty-four people, just exactly three to a voter; but these few ran over seven to a voter.

Newmarket, seven, with three representatives.

Windham, six, with one.

Dover, Ward 5, 6.75, with one.

Rollingsford, seven, with two.

Somersworth, Ward 3, six, with one.

Somersworth, Ward 4, 8.4, with two.

Somersworth, Ward 5, seven, with one representative.

Laconia, Ward 3, six, with one.

Albany, 7.8 with one.

Hart's Location 21, with one representative one-sixth of the time. They only cast four votes; it really doesn't amount to anything.

Allenstown, 6.87, with one representative.

Pembroke, 6.12, with three.

Manchester, taken as a whole, cast one vote to 6.7 voters.

Nashua, one voter to every seven, as a whole.

Nashua, Ward 3, 8.7.

Nashua, Ward 5, 14 plus. That is the largest, with the exception of the town of Lincoln.

Nashua, Ward 9, 10, with four representatives.

New Ipswich, eight, with one.

Fitzwilliam, 7.7, with one.

Roxbury 6.6, with one.

Troy, six.

Benton, six.

Groton, 6.5.

Lincoln, 14.5. That town cast 88 votes, with some twelve hundred and odd people; about two-thirds or three quarters of them must be foreign.

Livermore, 10.6.

Berlin, 6.58.

Dummer, 6.63.

Milan, six.

Shelburne, 6.9, with one.

Taking the city of Manchester, where there is a very large foreign population, as we all know, and reckoning the basis of voters to population at the rate of four and one-half to a voter, we find, although the figures are not given as to the votes of the different wards—I have figured them out in this way. Take, for instance, Ward 5. They have in that ward nine representatives. It requires at least 10,200 for those nine representatives. Multiplying the votes actually cast by four and one-half, you have 4,059 population. There must be 10,200 to get the nine votes, which leaves 6,200 foreigners at least in that ward, and probably more. Reckoning on that basis I find that Ward 1 does not require any foreign vote to entitle it to its two representatives. Ward 2 requires 200 to get four representatives. Ward 3 requires 2,900 to get six. Ward four cast 3,721, and re-

quires 1700 to get five. Ward 5 cast over—a little over 4000, and requires 6200 to get nine.

Ward 6 cast a little less than 4800, and requires 700 to get five representatives. Ward 7, 3636 population of Americanism, and they have enough for three representatives. Ward 8, 4122, and require 80, or practically nothing. Ward 9 has about 3078 of Americans and 2500 of foreigners. Ward 10 has only apparently 125 foreigners, and Ward 11 is free. Ward 12 has 2727 population, and requires 1500 foreigners to get four representatives. Ward 13 has 2700 Americans and 2700 foreigners.

These figures foot up 46,914 in 1910 of Americans, and 20,000 unnaturalized, leaving about 5000 to be accounted for by fractions in the different wards.

Nashua, Wards 1 and 2 have practically none. Ward 3, with three representatives, I figure about 1300 aliens. Ward 4, about 400. Ward 5, about 1300. Ward 6, 150. Ward 7, 250. Ward 8, 150. Ward 9, having a voting population of 2227, must have 2850 foreigners to get four representatives.

Berlin, we all think, is pretty largely foreigners. It figures up about like this. American population of Ward 1, 2389, with an alien population in 1910 of 600. Ward 2, 2578, with an alien population of 400. Ward 3, 2134, with an alien population of 900. Ward 5, 945, and no aliens required to get that one vote.

Concord, all wards are all right with their present representation based on Americanism, except Ward 9. The voting population there, on the basis that I have told you, is 1656.

MR. BRENNAN. I should like to inquire of the gentleman to define the term "Americanism." What does he mean by that?

MR. GEORGE. I mean that, taking the check list vote, and multiplying it by four and one-half—

MR. BRENNAN. That is the only Americanism that you reckon?

MR. GEORGE. That is the only Americanism that I am able to take from the figures; I cannot find anything else.

MR. BRENNAN. I didn't know how you used the term.

MR. GEORGE. I simply used it in that way, because I have no other basis of knowing who are Americans except who are on the check list, and multiplying that check list vote—not what is on the check list, but multiplying the check list vote, by four and one-half.

MR. DOYLE of Nashua. That is, you go by the way a fellow spells his name, is that it?

MR. GEORGE. I go by the way the man is put on the check list; if the supervisors do not put him on he has no right to vote. I don't know whether that applies to Nashua or not.

MR. GLANCY of Manchester. I would like to ask the gentleman a question. Mr. George is giving a series of figures here according to the actual number of voters, and according to the number of foreigners in a ward. I should like to ask the gentleman if he includes all the women and children in New Hampshire as foreigners?

MR. GEORGE. I do not.

MR. GLANCY. Then in one district alone, in the parish of St. Anne's, in the city of Manchester, we have 5000, and not one alien. Yet you figure, in Ward 5 alone, that we have only 900 American citizens.

MR. GEORGE. Oh, no; not at all.

MR. GLANCY. You claim 6000 that are foreigners.

MR. GEORGE. You cast in Ward 9, in 1916, 902 votes.

MR. GLANCY. In Ward 5.

MR. GEORGE. In Ward 5. I multiply that by four and one-half, which is the average ratio of the State, which is 90,000 to 350,00, a little less than one to four. I am allowing you one to four and one-half. Four and one-half times nine would be about between 4100 and 4200. Now, if you have nine representatives you must have in that 10,200, and subtracting the 4200 that represent the voters from the 10,200 it leaves you 6000 that you must have of foreigners in order to get your nine representatives.

MR. GLANCY. Mr. Chairman, I don't think the gentleman considers at all the ratio of the women and children as to the number of voters in any of these wards. As a matter of fact, in Ward 5, if you made a house to house canvass you would find perhaps a great deal less than 10 per cent of men that are not naturalized.

MR. GEORGE. You mean that the unnaturalized have larger families? Well, that would make you still worse.

MR. GLANCY. No, not as to the foreigners—not as to representation, it would not.

MR. GEORGE. Well, I don't see how you can figure out less than 6000 foreigners in that ward. Your Americans in that ward—I don't know how many you have got.

MR. GLANCY. I don't know where I could find anything like 6000; it would be nearer 600.

THE CHAIRMAN. The gentleman rose for an inquiry, and when his inquiry is completed he will please let the gentleman proceed.

MR. GEORGE. I started to speak about Ward 9, Concord. There they lack, on these figures, about 500, for enough to be entitled to the population as given by the census. Probably 150 of that can be accounted for by the State prison and the others are alien.

I want, while I am here, to speak of one nice little arrangement that we have here. Concord does not object to it particularly, but I hardly think that you will agree that it is fair. Can any one in this house tell me why Ward 6, Concord, should have an additional representative because the State Insane Asylum is located in that ward? And we get it; everyone of the inmates of that asylum is reckoned as population in the census. There are 1300 of them there today, more than enough to give us a representative, and they only lack about 50 of getting another one. In the next census, if this condition continues, there will be four representatives from Ward 6, largely because the insane asylum is there to help us.

The same thing is true in Ward 9, where your State Prison is located. It helps them out to the tune of some 150. It is the same everywhere in the State. The home for Feeble Minded helps out Laconia. The County Farm helps out Boscawen and Goffstown and all of these other places, not to mention Exeter, that gets 500 or so out of Phillips Academy, and Hanover, that gets some—they have got over 1700 students up there today. Why, take Hanover as it was in my day, outside of Dartmouth College plain there weren't so many people as there were turkeys, and there weren't turkeys enough to go round.

MR. HORT of Hanover. May I ask the gentleman a question? Did the students of Hanover vote? Are they reckoned as voters?

MR. GEORGE. They are reckoned as population; I don't know how many of them vote.

MR. HORT. Not one can vote there in Hanover without they are residents of Hanover and make it their home for four years.

MR. GEORGE. I remember one election when I was there, and it was pretty close, and they worked in about 75 of the students.

MR. HOYT. Do you claim that 1700 students are added on to our population in Hanover?

MR. GEORGE. I say they will be if they are there the first of June, and I appeal to General Patterson, who took the census in 1870, as to the method that they used of enumerating the population. I understand that everybody in the district or town or ward, even at the hotels, on the first of June is reckoned—or January, is it now? I don't know how it is now, but I do know positively that along about 1875 or 1876, when Senator Patterson was run for the first time for representative from Hanover, there were some doubts as to whether the Republicans in the east part of the town would vote for him, and they put on every student in Dartmouth College that they could get that they thought would vote for him, and he was elected, I think, by two votes.

MR. HOYT. Well, they are not today.

MR. GEORGE. Not today—they may not be. But there is your condition. You have got all these institutions being reckoned right in to fatten up your representation, and I say it isn't right. We are getting the benefit of it here in Concord as well as anywhere. I think that is all that I care to submit at this time. If anybody else wants to ask any questions I will be glad to answer him.

MR. WINN of Nashua. May I ask the gentleman a question?

THE CHAIRMAN. Does Mr. George wish to be interrogated? He says Yes.

MR. WINN. Do you include the County Farms as regards the population?

MR. GEORGE. I understand they are included.

MR. WINN. Do you realize that lots of the people of the County Farms are all voters?

MR. GEORGE. That may be true. But they are put down in the places—they are credited.

MR. WINN. That is so much the more voters for the Republican party.

MR. GEORGE. I don't know which way they are voting. I would like to cite one little statement here, gentlemen; it is rather interesting, in connection with the methods as to whether or not it is possible to pad anything in relation to either the population or the check list. In 1890—I got this straight from a gentleman who resides in the town—in one of the towns of this county there was a question whether they

would be able to keep their two representatives. A certain man said if he was appointed enumerator he would find enough. Hardly a person in town believed that they had 1700 people. He went out, started in, and he found a certain woman at her home in the village; he reckoned her there. Later on, he struck her over in the east part of the town and put her down again. Later he found her in the west part of the town and she was duly recorded. Then he credited to the town all the people in the Insane Asylum, all those in jail, all those at the County Farm, and those who were visiting, and when he got through he had 1812, just 12 more than enough to send two representatives. It shows what you can do when you try.

MR. DOYLE of Nashua. Mr. Chairman and Gentlemen: It is not my purpose to take up much of your time on this very interesting subject, and I don't know as I would ask a moment of your time but for certain remarks made here by men who look as though they are so old that they don't remember their birthdays, and they have a fear that the foreigners are going to gulp you all up. Gentlemen, it was but a short time ago that men of your stamp, your make-up, referred to foreigners as the Irish and the French. Well, you have got us in now with the Yankees, and you are glad to get us in there. Now you find fault with the Greeks, and you criticize the cities because the Greeks come there, and other nationalities.

I want to say to you, friends, that I come from a city, although I am a country born boy. I used to be called an Irishman, a paddy, I was a foreigner, and yet I was born over in Eddy Watson's town, and I am just as much a Yankee as your representative. Of late my friend Lyford, and his friends, say I am now an American citizen. Thank you.

I want to say to you, my friends, who are so fearful of foreigners, you from Henniker, if you got away from town over night you would find the very men that you are blasting in here, vilifying, exemplary business men and citizens of Manchester and Nashua, and they are among the heaviest tax payers of our cities; yet when this country needed men the city of Manchester gave 2000 of those foreigners, who swore allegiance to the Stars and Stripes and served this country, a country that you are now fearful that these foreigners will gobble up. Men who boast of a family, with a wife and a pet dog—you ought to be ashamed of yourselves to come here and be afraid of any foreigner, whatever country he may come from.



Mr. Chairman and gentlemen in this Committee, I am in favor of Mr. Cobleigh's bill. I believe it is the only sensible, the only fair measure, to get fair and honest representation. I admit that we have got more representatives in the cities than we ought to have. I further say we have got more representatives from some of your towns than we ought to have here. And so I want to be just and fair. And I think if you go to the people with a measure that is something like Mr. Cobleigh's bill you will meet with approval, but if you go to the people with a measure that has got the earmarks of politics clear through, such as the bill of the gentleman from Concord appears to have, you will meet with defeat, and it should be defeated.

MR. COBLEIGH of Nashua. Mr. Chairman, I woke up so suddenly a little while ago that I didn't make my motion just as I desired, or in proper form.

Mr. Cobleigh of Nashua withdrew his motion and offered the following:—That when the Committee rise it report with the recommendation that the subject matter of Resolution 25 be referred to the committee on Legislative Department, with instructions to report a resolution reducing representation in the House of Representatives based upon the district system and upon population.

MR. COBLEIGH of Nashua. I would simply say, with the permission of the Committee, that there are three resolutions embodying the district system; that which has been so thoroughly explained by its author. Mr. Duncan of Jaffrey, which abolishes the senate and provides for a legislative body of 100 members; that of Mr. Childs of Henniker, No. 19, providing for 100 districts, based upon legal voters; and Resolution No. 25, or that portion of the resolution bearing upon representation, contemplates a House of 200, made up of representatives elected from 200 districts that are based upon population; and it is for the purpose of testing the sense of the Committee, also enabling us to act on this part without killing the rest, that the motion that has just been read was offered.

Mr. Cobleigh of Nashua offered the following amendment to his motion: Strike out "of Resolution 25." No objection being raised the question was on the adoption of the amend-

ment of Mr. Cobleigh of Nashua: That when the Committee rise it report with the recommendation that the subject matter be referred to the committee on Legislative Department, with instructions to report a resolution reducing representation in the House of Representatives, based upon the district system and upon population.

On a *viva voce* vote the amendment to the motion was not adopted.

Mr. Glancy of Manchester called for a division.

THE CHAIRMAN. A division is called for. The Chair will appoint, as tellers for this count, the gentleman from Milford, Mr. Keyes, in Division No. 1; the gentleman from Derry, Mr. Bartlett, in Division No. 2; the gentleman from Concord, Mr. Chase, in Division No. 3; the gentleman from Sandwich, Mr. Hoyt, in Division No. 4; and the gentleman from Nashua, Mr. Winn, in Division No. 5.

MR. GEORGE of Concord. I would like to ask Mr. Cobleigh how he would cover the question of what to do with a large ward, like Ward 5 of Manchester, in making a district? I believe your bill provides that wards and towns shall not be divided, does it not?

MR. COBLEIGH of Nashua. Mr. Chairman, I would say, for the information of the gentleman from Concord, that that provision is not contained in my resolution. I considered that matter for a moment—not for a moment, but somewhat carefully—and, as I remember it, the Supreme Court have ruled that voting precincts may be established in wards and towns. I know certainly last winter we passed a statute allowing towns to have different voting precincts. It occurred to me that possibly this matter might be regulated by the Legislature, if wards desire extra voting precincts; otherwise the country towns, that is, the smaller towns, would have quite an advantage over the wards and the cities under the system.

MR. BRENNAN of Peterborough. Mr. Chairman, I shall have to vote against this because it is being referred to the legislative committee. I do not think it is right to do that. Here is a matter that is brought here into this Committee in a very much botched-up way, and the whole thing is dumped into the

legislative committee's hands, and they say, "You go and fix this matter up."

Now, I think it would be very much better to take that resolution and put it on the table, and let the gentleman who presented it present something further here for the consideration of this Convention. The gentleman from Concord (Mr. George) made a very pertinent inquiry. It provides for districts, and the districts should not be divided—it should not divide towns and wards. Why, there is one ward in Manchester that you have got to divide to make districts; and it is quite a proposition to fix that matter, which is dumped into the legislative committee's hands, into any kind of form. I shall vote against that on account of its reference. I think it should lie on the table and the gentleman fix something for us to consider, or drop it.

Mr. Glancy of Manchester withdrew his call for a division.

Mr. Lyford of Concord offered the following amendment to the motion of Mr. Cobleigh of Nashua:

Substitute in place of the motion of Mr. Cobleigh of Nashua the following:

*Resolved*, That when the committee arise it report with the recommendation that a district system based on population be adopted.

Mr. Cobleigh of Nashua accepted the amendment.

The question being on the motion of Mr. Cobleigh of Nashua as amended:—

MR. HOYT of Hanover. Can I ask those in favor of the district system to answer one question?

THE CHAIRMAN. Whom do you wish to interrogate?

MR. HOYT. Mr. Cobleigh.

THE CHAIRMAN. If Mr. Cobleigh has no objection the Chair has none.

MR. HOYT. There has nothing particular that I have heard been said as to who is going to redistrict the State. I suppose it will be the Legislature; and in all the redistricting of the State that I have known of, how to redistrict it was generally

governed by the majority party. So I think we want to take into consideration that this is the fairest way there is, whether politics will enter into this or not.

MR. COBLEIGH. Mr. Chairman and gentlemen of the Committee. If there is any system that can be suggested, constitutional, legislative, or political, in which human selfishness can be entirely eliminated by any act of this Constitutional Convention, I am in favor of it. But we must, in all human affairs, trust a little something to the integrity and honesty of those who come after us. I think we can safely leave this question to future Legislatures, and if they undertake, using the slang of the day, to put something that is wrong "across," their constituents will settle with them later. It does not seem to me that the matter raised by the gentleman from Hanover (Mr. Hoyt), and the question of the feeble minded, what effect that is going to have on the destiny of the State, is of enough importance to warrant the time of this Convention in even discussing.

Mr. George of Concord offered the following amendment to the motion of Mr. Cobleigh of Nashua:

Strike out the word "population" and insert "the voters."

The question being on the amendment offered by Mr. George of Concord,—

MR. METCALF of Concord. I suppose the gentleman from Ward 4 (Mr. George) means legal voters, does he?

MR. GEORGE. Well, I don't know of any other kind, do you? (Laughter.)

MR. METCALF. Well, gentlemen, I would like to know how we are going to tell how many legal voters there are in New Hampshire. Are we going to take the check lists? There isn't a check list in the State, in my opinion, but that has got upon it the names of numerous people who are not legal voters.

MR. GEORGE. Will the gentleman allow me to interrupt?

MR. METCALF. I will.

MR. GEORGE. We are about to take a census, and, as I understand, in that census every person will be requested to give his age. There may be some women that won't do it. But I think that you can take those census returns and ask the Govern-

ment to give you the information. It will also be on the census list whether you are an American citizen or foreigner,

MR. METCALF. Age does not always indicate voting power. Lots of people are old enough to vote who have no right to vote. And there are, as I said, lots of names on the check lists of people who have no right there—whose names have no right there. Now, population we can determine pretty nearly accurately, although over in Hopkinton or some other town they did pad the census returns as has been said here by some one. But as a rule we get an honest basis when we work on population, but when you talk about voters and legal voters there is no knowing anything about it.

On a *viva voce* vote the amendment was not adopted.

The question being on the motion of Mr. Cobleigh of Nashua,—

On a *viva voce* vote the negative appeared to prevail.

Mr. Glancy of Manchester called for a division.

A division being taken it was declared manifestly in the negative.

On the motion of Mr. Lyford of Concord that when the committee arise it report the following resolution:

*Resolved*, That it is inexpedient that the following resolutions be adopted by the Convention.

Resolution No. 18, Resolution relating to the General Court.

Resolution No. 19, Resolution relating to Representation in the House of Representatives.

Resolution No. 25, Resolution relating to the House of Representatives and Senate, and the Compensation of the Officers and Members thereof.

On a *viva voce* vote the motion prevailed.

MR. LYFORD of Concord. Perhaps I should correct, before it is overlooked, certain statements that have been made in regard to the amendment that I have offered. The gentleman from Nashua, Mr. Cobleigh, says that there is a defect in this resolution because, while it limits the number to 325, it does not say what the minimum number shall be; and that a legislature might meet here and fix the number for the first representative at one thousand, and great injustice would be done.

Let us take the gentleman's proposition, to answer it by. If the Legislature made the number for the first representative a thousand there would be just about six or seven towns and wards in the State that would be represented, and we would have a Legislature of six or seven.

Now, then, the amendment provides that it shall take three times as many voters for the additional representatives that it does for the first representative. The small towns are protected in that way, because it takes three times what you make the minimum number, for the large towns and cities to secure additional representatives and every time you increase that—it decreases their proportion of representatives. I don't think there is any doubt about that feature of the amendment.

MR. COBLEIGH of Nashua. Does the gentleman yield for a question?

MR. LYFORD. Certainly.

MR. COBLEIGH. My purpose in calling attention to that was because it seemed to me that there was a defect, in that there is no low limit. Now, wherein is there anything to prevent the Legislature from doing just what I suggested? I admit it is improbable.

MR. LYFORD. An absurdity, yes.

MR. COBLEIGH. But what is there in the bill itself, or in the resolution itself, that would prevent it? What language is there?

MR. LYFORD. There isn't anything to prevent the Legislature from doing an absurd thing except the intelligence of the Legislature. And under that proposition, that it shall take three times as many for each additional representative as it does for the first, both the towns and the cities are protected. I cannot see,—if I did, I would be very glad to devise a way of amending the amendment, if it is adopted.

MR. COBLEIGH. Do you yield for a question or suggestion?

MR. LYFORD. Yes.

MR. COBLEIGH. Why not incorporate something like this into it at the proper time: That the number of representatives shall be between, say, 275 and 325, or 300 and 325?

MR. LYFORD. I will be very glad, if there is a doubt in anybody's mind. If it is the sense of this Convention that the amendment that I propose be adopted, I will be glad of any suggestion from any member of this Convention that will make it do what we intend to have it do. I have no pride of opinion as to the wording of the resolution. In fact, I intend to offer in its place a new resolution, which will cover other contingencies that we have not discussed.

Now, some member in discussing the various propositions said that the gain of a few votes in the pro-rated towns of the first class would throw them into the class that is represented all the time. Well, under the classification that is proposed in my tables the towns between 125 and 149 would get representation all the time, on the same basis that towns that have nearly 600 population are given representation all the time. And of the 24 towns that cast between 125 and 149 votes, if they reached 150 you wouldn't increase the number of representatives, because they would be given representation all the time under any pro-rating system, and they would only get representation all the time if they got 150 votes or more.

I propose this amendment—it isn't time to offer it now—but I desire to have it offered, if it is the sense of the Convention that this plan be adopted. I desire to have the amendment in this form. The first part of it is merely a change in the order of the phraseology:

"There should be in the Legislature of this State a House of Representatives, biennially elected, in which representation shall be in proportion to the number of votes cast for President of the United States. The whole number of representatives to be chosen from the several towns and wards shall not exceed 325."

If it is safer, if the Convention think it is safer, I am willing to say "shall not be less than a certain number."

"At the Legislature of 1921, and every twelve years thereafter, the Legislature shall apportion the representatives to be elected from the several towns and wards according to the total number of votes cast therein for electors of President and Vice-President of

the United States at the last preceding election; and the number of votes for President required to entitle any town or ward to a representative shall be multiplied by three in apportioning each additional representative to such town or ward."

Now, this means the same, the substance is not changed, from the resolution that I introduced; but there arises a question, and I have undertaken to cure it in the latter part of the amendment. If we get woman suffrage, so that the women vote in 1920, there is no trouble with my amendment as it is drawn. But if the suffrage should not come this year, and should come so that they could vote the next presidential election, it might be desirable for the Legislature to apportion on the votes cast in that presidential election, and so at the end I say:

"If after 1920 the right of suffrage shall be extended so as to affect the relative vote of the towns and wards, the Legislature at the first session after the exercise of such extended suffrage in a presidential election may make a new apportionment accordingly. If such a new apportionment is made, subsequent reapportionments shall be made every twelve years thereafter."

Thus preserving the period and providing for a contingency that may arise.

I will say to the secretary that I hope that in some way—and I will make the proper motion at the proper time—the amended amendment may be given to the printer, so that it can be in the hands of every member tomorrow. It will be a substitute. I do not know that it is necessary for me to go over in detail the provisions of the plan which I have submitted. I want to say to this Convention, as I have said to members of it, that I have no pride in this amendment, so that if the Convention desires any different plan it may adopt it, and it will receive my cordial support.

We had reached a point a week ago—a week ago last Thursday—when this Convention adjourned after its first week's session, when nobody had prepared anything on this representative question that would furnish any light thereon. Members were coming to me, as they were coming to others, and asking if we were going to submit an amendment to reduce the



House. It was then, over Friday, Saturday, Sunday and Monday, that, drafting the services of the Secretary of State and assistant secretary of State, and working nights and Sundays, we prepared a table, to give you an idea of how such an amendment would work. I want to say right here that there is an error in that table in Belknap County—an error of three representative votes; and I want to say that the error is mine, and not that of the printer, and it is due to the fact that we had to hurry in copying the tables as we had them prepared for the printer. I do not know that there is any other error in the table. This table is based upon the vote of 1916. That was the last presidential vote, and it shows what the representation was in the legislature of the towns that were represented all the time, and what it would be in those towns under the amendment that I have offered, making 150 votes the basis for the first representative, and three times that number in addition for each additional member. The vote of the last three presidential elections in total varies only a few hundred votes. The vote of 1908 being almost equal to 1916, and the vote of 1912 being slightly less than the other two. So that I think we may safely assume that the vote of 1920 will not materially change the number of representatives that will be apportioned by the Legislature of 1921. There will probably be a gain in the cities, as I have estimated it—not in this table, but since then—of about twelve votes. There will be a loss, through fractional losses of the pro-rated towns, and towns having just about 150 population—there will be a loss in the towns of about five, as near as I can figure it. So that I think you are reasonably certain on the vote of 1920 to have a House that will not exceed 315.

Now, right in this connection some one has suggested to me that it might be fairer to take an average presidential vote, covering three presidential elections. If that is the sense of the Committee and the Convention I have no objection to it. At the same time, I do not think that it would materially affect the apportionment of the House.

It is true that this amendment takes a larger part out of the cities than it does out of the towns. The ration of reduction is about seven in the cities to four in all of the towns. But there is this to be said: When you have made this reduction, if you do, you have made it as a permanent reduction. The cities are bound to grow. The country towns, the small

country towns, it is almost inevitable that they will slightly lose; so that in a period of twelve or twenty-four years this representation would be more—if I may use the word equitable in speaking of numbers—would be more equitably divided between the cities and the country towns.

I have based the plan upon the votes actually cast, and I believe that that is safer than it is to base it upon the names upon the check list. That proposition was brought before the Convention of 1876, to change the basis from ratable polls to voters on the check list. That was one of the propositions.

Some of you do not understand this question of ratable polls. I do not know that I can give a definition of a ratable poll. They were unable to give it in the Convention of 1876—any definition that would satisfy them; but from the beginning of the Government until 1876 representation was based upon ratable polls, and ratable polls were put upon the back of the check list. For the first 50 years or so no trouble arose out of representation based upon ratable polls. The towns were small, the cities hardly existed. But as we grew in population, and as we grew in the intensity of our politics, the question of ratable polls became an important factor. The town, if I may call it so, of Hart's Location, having a voting population at that time, and perhaps now, of six or seven voters, was able to send two representatives to the Legislature, because it had some lumbermen and woodchoppers up there who could be put on the back of the check list as ratable polls.

While we are more careful of our check list today, and the intensity of politics is not as great as it was 50 years ago, yet to my mind there is danger in the use of the check list as a basis of representation. I grant you that in the country towns the check lists are pruned very well, and so they are in the cities. But you must bear in mind that in the cities we have not that intimate knowledge of voters that you do of your neighbors in the country towns. In my own ward, where we have no political contests over the regulation of the check list, we have done our best to prune that check list; and yet there are always from 150 to 200 names more on that check list than we cast votes. You will find in the cities—not through any fraud, but through natural causes—the same names on the check lists of two different wards, and the reason is this. We know that AB has been a voter, we will say, in ward 4, and he has a place to return to. No one disputes his right to vote

there. But he claims a right in Ward 6, and he goes before the supervisors and establishes his right to vote there. His name still remains upon the check list of Ward 4. And there are various other ways in which the check lists may become inflated.

I am not putting this upon the ground that there will be universal attempts to pad the check list, but I am putting it on the ground that there is opportunity for fraud, and as we are building for the future as well as the present, if we can leave out that opportunity and base it upon votes actually cast I believe it will be safer. But I want to say, as I have said frequently to my friend from Sandwich, Mr. Hoyt, that I am not wedded to this matter of votes, if it is the Convention's idea that it is better to make it the check list; but I do feel that there is danger, or it gives opportunity for trouble, if you base it upon the check list. I believe that in basing the representation upon voters you are in accord with the propaganda which is now being conducted by the State Board of Education, which has the endorsement of men like my friend from Nashua, Mr. Doyle, that we should, instead of regarding these people as aliens who come to our shores, and who in emergencies, as he has spoken of, have responded to the call of the Flag—I believe that, basing it upon votes, you will stimulate that effort in cities and towns to educate and Americanize our aliens, so that they will feel that they are one with us in peace as well as in war.

I should regret that any one should speak slurringly of our alien citizens, in Manchester, in Nashua, in the city of Concord, and even in our country towns; after the magnificent service they have rendered to the country. You have but to read the names of the men in that gallant 26th Division, and in other Divisions, to read the names of men whom we should be proud to welcome as citizens and voters of this country.

I do not know, Mr. Chairman, that it is necessary for me to explain further on this measure. Whenever any one has made a new proposition it has devolved upon me to go to figuring and see where it would come out. I confess to this Convention that I am somewhat weary in the work that I have been doing. But if it results in this Convention submitting some proposition that the people will ratify I shall consider that I have not made the sacrifice in vain.

THE CHAIRMAN. Did the gentleman from Concord move that when this Committee rise it report favorably upon the proposition which he read?

MR. LYFORD. No; I won't move it yet, because I have no desire to hurry. I think we will reach a vote this afternoon—if not, I think we will reach it tomorrow forenoon.

MR. CAVANAUGH of Manchester. Mr. Chairman and Gentlemen of the Committee: In view of the suggestion made that we try to reach a vote this afternoon, I will say that I hope we do; and, because we have been on this question all day, and the different angles of the question have been thoroughly discussed, it is not my intention to bother this Convention for any more than a very few moments in outlining my idea of what action should be taken upon the proposed amendment as submitted by the gentleman from Concord, Mr. Lyford.

I presume that we all have at least the interests of our constituents at heart. Now whether that makes us selfish or not I do not know; but I presume at the outset that it will be taken for granted that a member of this Convention who lives in the city of Manchester, a city whose interests will be so vitally affected as far as representation under this proposed bill is concerned, should state his opinion here, and should back up his opinion by his vote, and should not agree in any way with the proposition suggested by the gentleman from Concord, Mr. Lyford.

Now, I believe, if you go to our city, and talk to any man in our streets, in our shops and factories or offices, and ask him if he thinks that Manchester's representation in the Legislature of New Hampshire might be reduced without much harm to the state or city, that every one that you speak to would say "Yes." But that does not mean, gentlemen, that we feel in the city of Manchester that we should lose in an entirely disproportionate manner. But under the resolution which is pending before us there is approximately a decrease in number of representatives amounting to about 100. I think, Mr. Lyford, it is approximately 100?

MR. LYFORD. Yes, approximately.

MR. CAVANAUGH. Approximately 100; because as Mr. Lyford has it figured up, I understand he believes it will be a session of about 307 members?

MR. LYFORD. Yes.

**MR. CAVANAUGH.** The total not to exceed 325. Of the 100 members by which the membership of the House would be decreased, the county of Hillsboro would lose 49, or practically one-half. Of those 49 the city of Manchester is asked to get along with 32 less than it has now.

Now, I will say that we could be very well represented by 27 men from our city, if every other community in the State of New Hampshire would stand, not even as great a reduction as ours would be, but somewhere near.

The principal reason why I feel that way is this, gentlemen. There has been a statement made on the floor of this House which was not quite correct, about the proportion of State tax which the city of Manchester pays. Of course that only means, gentlemen, that we have got the valuation there. We have got in the city of Manchester one-fifth of the taxable property of the whole State of New Hampshire. At the present time the city of Manchester I think has about one-seventh of the members of this House. If this resolution should be adopted by this Convention—and I am not much afraid, gentlemen, of the outcome of the vote of the people at that, and I will say here I think the temper of the Convention probably leans toward the adoption of this proposed amendment—but let me say to you that if the proposed amendment goes through, the city which will pay, because it has the valuation, 20 per cent of all the appropriations made by the Legislatures of this State—pay 20 per cent of all the money spent by the State of New Hampshire for public purposes—will be represented, not by 20 per cent of the gentlemen who have a right to vote on those questions, but by 8 per cent. Now, I think that is extremely unfair. I believe that the people of the State of New Hampshire, if you pass this amendment along to them, will vote about as they did a good many years ago. Mr. Lyford, I understand, has gone somewhat into the history of the Constitution in this respect, particularly with relation to the ratable polls and the exclusion of aliens, and I am glad he did, because I have looked up something of the same myself. He complains that it is hard to tell what is a ratable poll; it was deemed difficult in the State of New Hampshire prior to 1835, gentlemen, to tell what was a ratable poll. But in 1835, at the request of the Legislature of 1834, the Supreme Court of the State of New Hampshire defined a ratable poll. The Legislature of 1847 determined by statute what was a ratable poll.

The Legislatures of various other sessions did; and in almost every case, gentlemen, a ratable poll was declared by the Supreme Court or by the Legislatures of our State of New Hampshire to be a poll which was taxed under the laws of this State, and of course there could be no other answer. A ratable poll, gentlemen, is one who is taxed a poll, a male resident, over 21 years of age, who has to pay a poll tax if he doesn't own any property, or who does have to pay a property tax, if he is fortunate enough to own any property which is taxable under the laws of our State.

I rather deprecate the line that has been drawn here to some extent today between the alien and the native or naturalized citizen. I do not think that the gentlemen, whose remarks appear to be rather in derogation of the alien, meant quite what their words seemed to convey. There are gentlemen in this body who are privileged to be members here today, who a few years ago were aliens. I assume there are some gentlemen in this body who, in order to have the right to vote and hold office under the laws of the State, were obliged to go before the proper tribunal and receive permission under the laws of our state and nation to cast their ballots, and be voted for, and elected to office. I know there are not many of the gentlemen in this body who can stand up and be counted, if we should ask all those who would have to go back more than three or four generations in the ancestry of their families, before they would strike some who were here as aliens. We all came here—not all of us,—but the ancestors of all of us, gentlemen, if we did not come ourselves, came here as aliens. We had our positions to fill; and, as the gentleman from Nashua (Mr. Doyle) has said, in language more expressive than mine, there were certain elements in our community some time ago who had, in the minds of some people, sort of graduated and occupied a sort of better position than formerly. I will say "we," because I belong to one of those races. We have in our city of Manchester three races which have been rather disparagingly referred to by one of the speakers here. We have them in our city. They are there because the gentlemen who run our cotton mills or our shoe factories and other lines of business needed them. They were sent for to come to our state and work. They are taking the places of the so-called Yankee, the Irishman who has become American, as referred to here; the Frenchman, who has become an American, and have

got themselves into a position where they do not take up certain lines of employment.

So, gentlemen, do not speak too harshly of the alien. He has his place here; and after he is here the required length of time I think you can be assured that he will take advantage of our laws and become naturalized in pretty fair numbers.

Now, with regard to the little sketch of the history of this attempt to exclude the alien from representation, I would like to know what fairness there is in saying to a class of people who must pay as much taxes as we do that they shall not be represented. I do not wish to go so far, of course, as to say that they ought to be represented to the extent of being allowed to vote and hold office, but they certainly ought to be given representation by the election, in the communities in which they live, of men who can listen with some sympathy to them if they come to them with requests that some legislation be passed, or some legislation be defeated, in which they might be interested.

I have given a little attention since last Thursday to a consideration of the Constitution of the State of New Hampshire—more, probably, than I had for some time, and confessedly less than I feel, as a member of this Constitutional Convention, I should. I find that only once, so far as I know—and I am willing to be corrected if I have made a mistake—was there submitted to the voters of the State of New Hampshire any proposition concerning the basis of representation which had in it the exclusion of aliens. If there is any gentleman here who can correct me in that I would like to be corrected before I go any further. Just once in the history of the State of New Hampshire was there submitted to the voters a proposition to establish a basis of population with such a false premise as that, that the alien population must be excluded, and here is what happened to them.

MR. LYFORD. When was that?

MR. CAVANAUGH. The Convention of 1850. We are going into history. The Convention adopted that proposition, but the people had something to say about it. There were 6,147 voters in the State of New Hampshire who said Yes; there were 33,750 voters in the State of New Hampshire who said No, to that proposition. I will say, in fairness to the other side of this proposition, I do not claim that everybody voted for or against, on just that one proposition, because the resolution was to fix

a basis on ratable polls, excluding aliens. But my point is, I want you gentlemen to know that the people have once, at least, passed on that question in the State, and I guess they haven't been asked to pass on it since because of the rebuke which it received in 1850.

Passing on to the Convention of 1876, which Mr. Lyford has referred to, I hope that every member of this Convention, either before or after you vote, will read Professor Colby's Manual of the Constitutional Convention of 1902, beginning with page 261. I am not going to quote verbatim, or try to read it, because I have not got time, but you will find there what was the principal discussion in the Convention of 1876. Let me say, gentlemen, I am glad to be on my feet to pay tribute to any gentleman who sat in this hall in 1876, to pay tribute to those gentlemen for the legislation which was passed, and to say—and this is aside from the question here, but it just occurred to me—that if it was not for the action of the gentlemen who composed the Constitutional Convention of 1876, ratified by the people of the State of New Hampshire, I could not up to this time have held any political office to which I have been elected by the voters of my senatorial, ward or councillor districts, because of the objectionable word—you all will know what I mean—which was in the Constitution and taken out at that time. I may be pardoned for that side reference, because it is personal.

In that Convention the principal discussion was on the different methods proposed for establishing the basis of representation in our Legislature. The late Senator Gallinger was a delegate in that Convention, and he advocated one of these propositions. I only speak of him and his action to let the gentlemen know that as long ago as 1876 we had 391 members in the Legislature of New Hampshire; so that if we have 405 now, and if we are going to have 419. (we had 397 by the last apportionment), don't let anybody be afraid that the walls of this building are going to bulge out at all if we don't pass this resolution. We have had legislatures before about as large as the legislature we have now. The question was deemed of so much importance in the Convention of 1876, gentlemen, that a special committee of 20 was appointed to consider it. I only can call to mind the name of the chairman of that committee, John J. Bell of Exeter. I presume there are gentlemen here who will know of the caliber of the men when



I say that they were of the caliber of John J. Bell of Exeter, who had to do with the question of bringing before that Convention a resolution fixing the basis of representation in our Legislature. During the progress of that Convention—and if I do not state this correctly Mr. Lyford can correct me, because I guess he was in that Convention—weren't you?

MR. LYFORD. Yes.

MR. CAVANAUGH. It seems as though the members considered that proposition of making ratable polls the basis for figuring the representation; also, the proposition of considering the legal voters as a basis for representation.

MR. LYFORD. The legal voters on the check list.

MR. CAVANAUGH. Well, on or off the check list?

MR. LYFORD. On the check list.

MR. CAVANAUGH. Well, I mean legal voters, wherever they were.

MR. LYFORD. Yes.

MR. CAVANAUGH. The third proposition was fixing the basis of representation on population, as finally adopted. It appears that one day in the course of that Convention, in such a meeting as we are having today, the sense of the Convention was taken, and the delegates present were asked to stand and vote in favor of a basis of ratable polls, and 14 gentlemen stood up. Then, the gentlemen who were in favor of establishing the representation on the basis of legal voters were asked to stand up, and 44 gentlemen stood up. Those who were present and in favor of population being the basis of representation were asked to stand, and 232 gentlemen stood up in that Convention, made up of the caliber of men of the Convention of 1876. The Convention voted by a vote of 177 to 14 to submit to the people the proposition of one representative for the first 600 of population, and one for the increasing mean of 1,200 thereafter. They did make a part of the law relating to towns of less than 600 population, which in 1889 was repealed, which I will refer to later.

Now, this proposition went before the people and was accepted by the people by a very large majority. In 1889, the next Convention held afterward, there was enough objection made by the small towns of New Hampshire to the method of classifying or districting the towns under 600, under the law of 1876, so that the only effort which was made in the Constitutional Convention of 1889 to make any change, and which was

adopted by the Convention, was one to provide that a town having less than 600 voters according to the last preceding Federal census, would be represented a part of the time, and put in the list of classed towns. Since that time, gentlemen, there has been no change in our representation.

I do not know, hardly, what is the reason for bringing this resolution, or any resolution similar to that of the gentleman from Concord, Mr. Lyford, before this Convention, except for two reasons. The principal one probably would be to cut down the size of the House, fearful that if we keep the law as it is now that the time is not far away when the legislative hall will not be large enough to accommodate the number of men who will be elected from the various wards and towns. Gentlemen, I personally have no fear whatever on that point. When the Federal census was taken in 1910, and the new apportionment made by the Legislature of 1911 of the representatives from the towns and wards of this State, the increase was only five. During the ten years preceding the Federal census of 1910 New Hampshire had 397 representatives. Under the census of 1911, on which we are now operating, we had 402. Of course, there are classed towns, gentlemen, so that some years there are a few more or a few less than other years. I believe the last session was 407.

Now, the gentleman from Concord, Mr. Lyford, who has given more attention to this matter than anybody else here, says himself that he believes that under the Federal census of 1920, which will be promulgated in time for action by the Legislature of 1921, we probably will have little change in number.

MR. LYFORD. I beg the gentleman's pardon, but I was speaking of votes, and not the Federal census; that there would not be a sufficient change in the votes of 1920 from what it has been in the three previous presidential elections.

MR. CAVANAUGH. Well, I will make the guess, gentlemen, that probably is as good a guess as that of the gentleman from Concord—it is all guess, of course, Mr. Lyford—that there has not been anything happen in the way of acceleration in our business, our manufacturing interests, in the last ten years, which would warrant us in believing that the increase in population of New Hampshire for the period from 1910 to 1920 will be so much greater than the increase from 1900 to 1910 as to warrant the fear, if I may put it that way, or the belief, that there will be any substantial increase, more than there

was in the period from 1901 to 1911, when we simply increased from 397 to 402. Gentlemen, I have taken more of your time than I expected when I began. There is one more point I want to bring up, though, and that was suggested by Mr. Lyford's explanation. I think Mr. Lyford took care of that proposition in regard to women being allowed to vote, not in time for the next election, but some succeeding one. Well, supposing they do. I submit, gentlemen, it is quite likely that in the near future the women of the State of New Hampshire are going to be permitted to vote the same as the men, so we probably will have double the voting strength in our cities and wards. Now, I wonder if I have got the correct notion of just what Mr. Lyford's resolution means when he fixes an arbitrary number, beyond which the number cannot go, no matter how great the voting strength, leaving it to the Legislature to determine what shall be the number required for the first representative, and treble that number being required for the second or more.

Now, it seems to me—and I am now appealing to a section of the gentlemen of this Convention who did not vote the same way I did on the proposition of the division of our State into districts—and I am wondering if the vote is going to be doubled, and we are going to have 100 members less in the House, and the representation is going to be apportioned, on that vote, how many towns are there in the State of New Hampshire which now feel safe and snug in their present situation, that this bill will not hurt them, but will hurt Manchester and some of the other cities—I wonder, I say, how many of those gentlemen will be disappointed when they find that the number required for the first representative must necessarily be placed so high that it will exclude their towns from the class of towns which are safe in having at least one representative.

I trust that the gentlemen will give some consideration to that. I have given a little; but I am not from one of those towns, so I do not expect anybody to take any suggestion regarding the effect of that from me, but I do ask you, gentlemen, to consider whether or not it might change your minds on this proposition.

Now, it seems to me we have got to do one of two things. We cannot adopt the district system. We have either got to let the matter of representation in the State of New Hampshire go along as it has been, or make some change along the lines

suggested by the gentleman from Concord, and I hope we will leave it alone.

I will leave you with just this one thought. There is a lot more I might say, but I do not need to, I have not got the time; there are others to talk besides me. But remember, gentlemen, don't be too critical of us from Manchester, don't be prejudiced against us or our position, don't think we are provincial, don't think that we are not justified in asking for our constituents, our community, that they be saved—I will say saved—from the position of being required, because of the wealth which is in our city, to stand for \$20 on every \$100 appropriated by the Legislature of the State of New Hampshire, and to be cut down from our present position of having about 14 per cent of the voting strength to decide on those questions, to a situation where, if I have figured it out correctly, we will have about 8 per cent of the voting strength on those questions. It is a serious proposition, and I trust that, in acting on this, you will not feel as I too often have had it said to me, or said in my hearing, that we men in Manchester could get along just as well if we had five or six up here as well as a special car taking 59 of our members up here every day. I say I would be glad to get along with five or six from our city if every other city and every town in our State would be trimmed down in somewhere near the same proportion. But this resolution does not provide for that. It is extremely unfair to us. The town element in the present Legislature has a vote of three to two, having 240 votes to the cities' 165. If this proposition goes through they will have 200 to 100. I submit in all fairness to you gentlemen from the towns, you have got pretty good protection as it is now; you can outvote us any time you feel like it, because you have got three votes to our two.

Mr. Lyford of Concord moved that when the committee arise it report with the recommendation that Resolution No. 34, Resolution in relation to the House of Representatives, be adopted by the Convention.

The question being on the motion of Mr. Lyford of Concord—

MR. WOODBURY of Woodstock. It seems to me, gentlemen of the Committee, that we should give this matter perhaps a little

more serious consideration before we take a vote upon it. We are assembled here for the purpose of acting on this particular day on probably the most important question that will come before us, that is the reduction or proposition to reduce our House of Representatives. Of course, as some members of this Committee know, I have my own personal views in regard to the size of the Legislature and the general principles of government by representation. But I find that I cannot be governed by my own personal view in the matter, I have got to be governed by the views such as I think the voters of the State are more in favor of.

Now, I do not know whether the voters at large are in favor of the Lyford resolution or whether they are in favor of the Metcalf resolution, but I want to make this statement. I am a little sceptical of changing our basis of representation for the first representative. I am a little sceptical of going onto a basis of voters that vote for president once in twelve years, and I am also a little sceptical of going onto a basis of legal voters' names who may be on the check list. We cannot go before the people in either event with any real concrete proposition. It is a proposition that must change every time that an apportionment is made. As the legal voters would change on the check list, and vary then there has got to be a reapportionment. As the matter stands now we have a flat proposition for the first representative, which is 600.

Now, in order to reduce our House, if it needs to be reduced, which seems probable to me, though perhaps it does not to some—it seems that the most logical way for us to get at this thing is not to change our basis for the first representative. If we must submit a proposition to decrease the number of our representatives it looks to me reasonable that we should make our increasing mean larger. Our increasing mean now is 1,200. If we should increase that to 2,000, in my opinion—I have not stopped to figure it out, because of course you cannot figure it out, as we have got to go on the basis of the census of 1920—but in my candid opinion, if we have an increasing mean of 2,000 your House will be reduced down to about the number proposed by the Lyford proposition. You all know, gentlemen of this Committee, that we cannot go before the people of New Hampshire with any kind of a proposition that is going to cut our House down to a very low number, neither can we go before the voters with a proposition that is going to pro-rate a great

many more towns than we have at the present time. We have got pro-rated towns enough. The proposition of the gentleman from Concord (Mr. Lyford) is going to pro-rate eight more towns. In other words, there are going to be 85 or 90 odd towns—92, I think—I don't know the specific number now—but there are going to be over 90 towns disfranchised part of the time.

Now, that is not a fair proposition. The proposition of the population for the first representative, which is 600, is a fair proposition, because it has been tried out. In 1902 we tried to change it, we tried to make it 800. In 1912 they submitted an amendment to the people that came very near passing, similar to the Metcalf resolution, which was, as I remember 2,000 for the increasing mean.

MR. METCALF. 1,800.

MR. WOODBURY. 1,800, or whatever it was. But it is my opinion that 2,000 would be about right. That is going to leave your representation for your first representative right where it is, and the towns will take a chance on not being pro-rated as their population increases. Of course my own personal view is that every town that pays a State tax into the State treasury, upon a warrant of the State treasurer, every year, should have a voice in our legislation, but that is not a feasible proposition in the minds of a great many members of this Convention. That is the basic principle of our representation. For Congress, we are bound to have a representation in the House of Representatives, it doesn't make any difference how small a state is, they cannot deprive it of representation. No town should be deprived of representation. Our forefathers fought and bled for the purpose of having a country where a man could have a free hand and vote where he paid taxes. The great question of taxation without representation was one of the things that brought on the war of the Revolution.

Now, we do not want to take any step here that is going to pro-rate or disfranchise any more towns. Now, you may think I am scared about my own town. I am not. My own town is all right under Mr. Lyford's proposition, and I hope it is going to be all right on the principle of 600, provided it is left alone. But, as I say, I am a little sceptical of any change from the basis of population to legal voters. We of course have a large representation from Manchester. That is going to be decreased provided we have a larger increasing mean. Our manu-

facturing towns, our manufacturing cities, that pay an enormous tax, want to have the privilege of being represented in the Legislature as proportionally as may be feasible, and we in the country towns cannot deny them that right. But the basic principle of representation is to have the people all directly represented just as far as possible. Now, if a man who lives next door to me is worth a million dollars he has a right to vote. I am not worth one cent and I have a right to vote. That is the basic principle of our government. Numerically my vote counts just as much as his, but literally his vote counts a great deal more than mine, on account of his prestige.

Let us not take any step whereby we are going to change our basic system of electing the first representative. I am a little afraid of it. Let us consider it before we take a step that will change into some sort of a system that is going to be working first one way and then the other, and have on our hands somewhere in the vicinity of 90 to 100 pro-rated towns. God knows we have got plenty of them now.

MR. BATES of Exeter. Mr. Chairman, this is a matter of information. As chairman of the finance committee, I am expected to bring a few facts to you just now. This is not theory; these are facts; and the fact is that under the appropriation under which we are working for the expenses of this Convention, \$24,366, if we get through Thursday night we will just use it up—just about use it up. If we go over that, why, then we will have to look to the next Legislature, as near as I can find out, for our pay. So if matters could be expedited so that we could come out square it would be a very fine thing, I am sure. I believe you all are in hearty sympathy with that. I am accustomed to having my accounts balance; I hope that you will enable me to do so.

THE CHAIRMAN. The Chair recognizes Mr. Brennan of Peterborough, and I am sure that he will confine his remarks to such time as the financial report indicates should be done.

MR. BRENNAN of Peterborough. I am much interested in the statements that have just been made and I have but a word to say on the resolution now under consideration. I shall vote against it in its present form, because I believe representation in our legislature ought to be based upon population and not upon votes cast.

It is not entirely clear to me just what the delegate from Concord meant by the designation he made of "American votes."

I am not quite sure whether his conception of American voters and Americans generally are the same as mine. The person who was born in the United States and the person who was born in a foreign country and who was naturalized here, are each and alike American voters and as such are entitled to the same privileges and are under the same obligations. But further, while it is necessary for a foreigner to get naturalized in order to vote, in every essential of a good American citizen, except that formality, the honest, robust emigrant,—whether educated or not,—who comes to this country with a determination to obey its laws, to become an industrious and permanent resident, to uphold and defend our government and perform all the duties of our citizenship, becomes, in every requisite, except form of naturalization, an American citizen the moment he steps his foot on our soil and this government is benefited and enriched by his coming.

That great patriot and statesman Carl Schurz, became an American citizen, in every essential, the moment he stepped from the ship's gangplank on his arrival in this country as did the millions of other good people who came here in a similar manner and with a similar purpose to cast their lot with us; their sincere and abiding love for this country, as true as the needle to the pole, has over and over again demonstrated the loyalty and usefulness of that class in every way that makes for the defense, prosperity and happiness of our common country. Those thousands of brave boys, born outside the confines of the United States, who in the World War enlisted in our army and navy and bared their breasts in defense of the nation's honor, became in every essential, except the mere form of naturalization, true and tried Americans.

The worst traitors and enemies our government has ever had were in many instances native born Americans, while the greatest patriots in upholding and assisting this government were born in other lands, and, while indeed it is sometimes true, as Sam Johnson wrote, that "patriotism is the last refuge of a scoundrel," happily the great body of our population are earnest lovers of our government, earnestly helping to support and defend it and that population, I confidently submit, is worthy and proper to be considered as a basis controlling the number of representatives. The large cosmopolitan population of Manchester and other parts of our state should be represented, not to the extent of having votes, but as having a representative to



whom they can appeal and petition relative to the government in the support of which they give such material help; to absolutely ignore this large population is contrary to our form of government and is wrong. There may possibly be some reason, founded only upon expediency, for supporting the claim that representation should be based upon voters, but there can be found no possible logical reason under our system for such a radical change in our form of government.

In its present form this resolution should be defeated here and in my opinion will not be adopted by the people. I should be very pleased to support it if the word "voting" was changed to "representation," but as it now reads I am unable to do so. That class which is taxed should in all reason be considered in proportioning representation.

MR. HOYT of Sandwich. I want the time of this Committee for about a minute. I am in favor of Resolution No. 34, but I am in favor of it with amendments. I am not going to take the time of this Committee to offer the amendments now but I want to call your attention to what they will be if this motion prevails. One of my motions will be that the minimum number of representatives shall not be less than 325, and the maximum number not more than 350. The other amendment will be that the basis of representation, following out the plan of this resolution, shall be based upon the legal voters, and not upon the votes cast in a presidential election.

Now, at the proper time I shall present those; and as the Convention permitted me to introduce a table based on the legal voters as shown by the checklist of 1912 which is here before you, I trust all of you will study it between this and the time the motion is made to substitute the legal voters for votes cast. I have taken as a basis in that table 180, and followed the plan as outlined by the Lyford table. On that plan I want a little time before the Convention acts to discuss it when I have opportunity to offer the amendment.

MR. NEWELL of Alstead. Mr. Chairman, I would like to ask the gentleman from Ward 4 (Mr. Lyford) a question.

THE CHAIRMAN. Does the gentleman from Ward 4 wish to be interrogated?

MR. NEWELL. I went home over Sunday and talked with my people about this proposition, and they favor it. In your speech you said that the cities were bound to increase, and the country towns would decrease. Among my people some of them

thought it might be a good plan to have a check on that, an amendment that no ward of any city should have more than two representatives. I am not going to press it, but I want to ask your opinion of such an amendment.

MR. LYFORD of Concord. I do not think such an amendment would be ratified by the people if it were carried in the Convention. What I intended for you to understand, when I said that in 12 or 24 years there would be a gradual increase in the cities because of their growth, is that they would get perhaps in the next 12 years ten more representatives, or 12, and that the towns might, in fractional losses, going from one class to the other, shrink about half that number. That is, that while it took a large number out of the cities, it was not necessarily permanent, because there would be a natural growth in the cities and a natural shrinkage in the towns, but that in probably 24 years it would not materially affect the result.

MR. CAVANAUGH of Manchester. Mr. Chairman, I trust that this entire House heard the remarks made by the gentleman from Alstead, Mr. Newell. It goes right to the root of the whole thing, Mr. Chairman; and I don't think anybody from the cities could say anything, if he talked all this afternoon, that would disclose the unfairness on the part of so many members of this House on this question as what he suggests—that the Constitution of the State of New Hampshire should provide that under no condition shall a ward of a city of our State get more than two representatives. Why, the gentleman from Concord (Mr. Lyford) is more liberal to us than that, because under this tabulation here Ward 6, Manchester, will have three. I trust that the motion to report Mr. Lyford's resolution favorably will be voted down.

MR. DUNCAN of Jaffrey. I want to call attention to the fact that this proposition, No. 34, is frankly consistent. Article 9 of the Constitution as at present says, "shall be founded upon principles of equality, and in order that such representation may be as equal as circumstances will permit." I notice resolution No. 34 has not those words in it, and I want to congratulate the author of it in being consistent in that respect.

MR. GEORGE of Concord. Just a word in reply to Mr. Brennan. Mr. Brennan seems to be greatly troubled about my use of the word "Americanization." I simply used it to distinguish between the foreigners in our towns and those who have become Americans, either through naturalization or native born.

MR. BRENNAN. That is why I made the criticism.

MR. GEORGE. I don't know any reason now why we should found our legislature on any other principle than Americanization, when we are talking about Americanizing the voters.

On a *viva voce* vote the motion was adopted.

MR. HOYT of Sandwich. Mr. Chairman and Gentlemen of the Committee: It was with a great deal of hesitancy that I arose last week to ask the Convention for permission to print a table based upon the legal voters. I had not studied the question at that time so that I felt sure whether I was in favor of it or not. I did not at that time realize it was so difficult to find out how many voters there were. I did not realize that it would take so much time to count the names upon the 288 check lists, as found over at the library in order to prepare the table; but it has been prepared and I want to call your attention to it.

The table is very simple and I hope is very plain. The first column figures give the census of 1910. The second column of figures gives the check list of 1912, as returned by the supervisors under oath to the State library, that any of you can see. The third column gives the vote of 1912, which is ascertained by counting those voting for presidential electors.

Now, there is no mistake in the first column, as we could have the accurate figures there. There may be some slight mistakes in the second, because we did not attempt to verify every one of those counts; but where there seemed to be errors we did verify them, and we have them, I think, accurate enough for your consideration.

Now, we have endeavored to follow the Lyford method—and you will pardon me if I refer to it as the Lyford plan, which has been adopted by the Committee—in determining what the results will be. Now you will have nothing to do with any of these figures, any of these columns, except the second. The other two are given for comparison, to show what the relation is of the actual names upon the check list, the legal voters, to the inhabitants, and also to see what the comparison is of those that actually voted to the legal voters.

Now, I have taken as a basis for the first representation 180. Taking 182, I get exactly 325; but 180 gives practically the same result. It is a little easier to use, so I have taken 180, which gives a result of 328.

Now, the number to be taken is variable, depending upon the legal voters on the check list at the presidential election; no man knows before election what the basis will be, and no man knows until all of the check lists have been returned to the Secretary of State or elsewhere just what that basis will be. So the temptation to pad the check list, of which we have heard so much—and the only objection I have ever heard to this principle—is removed to quite an extent.

On the question of woman suffrage, under the proposed amendment which I shall offer, it is cared for by this table in just the same manner. We can get, I believe, in every town and ward the women who are eligible to vote to go and get their names upon the check list, if it is for the interest of their town by way of representation, or their ward. I do not believe we can get them to go there and vote, equally. The women in some of the towns and some of the wards I believe would turn out and vote if suffrage is granted, and we presume it will be in the near future. So I say that in some of the towns and wards there may be a large vote by the ladies, and in others none at all; and, representation being based upon that, it would be unjust and unfair. But under the legal voters I believe that we could get them all on the check list, or practically all, even if they didn't wish to vote.

Another thing. The only objection, as I said before, that I have heard to the legal voters or the check list is that the check list is padded, men upon the check list who are dead, and have been dead for years. Now, that may be true. It is not so in my town. I don't believe it is in a great many of the country towns. I don't believe it is in the cities, or, if it is, I don't believe it would be for an election if anything depended upon it other than strife between the two political parties. The only ones that are interested in the check list are the two political parties, and one wants to keep the other from getting the names upon the check list. If the name of somebody who is dead is upon the check list, why, it won't hurt either party; so they don't care, and it remains there. But the minute it is based upon the legal voters as found upon the check list then somebody will come outside of your ward, and outside of your town, and will see that that name is removed. I am afraid of the vote cast at the presidential election because I am afraid politics will enter into it. I am afraid in towns where they are Republican, if the basis be 150, as is

stated by the Lyford table, I believe in towns that cast 155, perhaps, and are Republican and there is no hope of a Democrat sending a representative, that some Democrat might say to his friends, "I guess we will have that town pro-rated, and we won't vote for the presidential electors; we can go and vote for Governor and every other officer, if we want to, but we won't vote for presidential electors." They can throw that into a pro-rated town. Or if it were a town with pro-rated representatives they could throw it back to a lower class, and so on. It would be just as bad if it were hopelessly Democratic. I say I am afraid politics would enter into it.

Another thing, the check list is a public document. It is corrected at every primary and every election, it is posted before the people of the town and ward; it is posted before the eyes of any one; it is under oath of three good men whose business it is to correct that. It is not only posted, but it is sent here to the State Library, and there, under the oath of those three men, it is returned and is open to the eye of any one. The vote cast at the presidential elections is not open to the public eye, to the public scrutiny. It is returned by the officials who have charge of it, the counting of it, and reporting it to the Secretary of State. We have a law governing the check lists and the names that are upon the check list. It is \$50 fine for any board of supervisors who fail or who refuse to put a name upon the check list. It is \$50 fine if they refuse to take it off, upon sufficient evidence. It is \$50 fine if they do not themselves remove it if they are satisfied it ought not to be there.

Now, gentlemen, is there anything safer or fairer than that, basing it upon the legal voters, the men who can actually vote, encouraging people to become citizens and having the right to vote? I am willing the city should double the number of legal voters if they have got them there, if they will get them naturalized and make legal voters of them. I am willing they should have them.

Now, gentlemen, I don't want to take much of your time. It is late, and I presume likely you have considered this thoroughly. But I certainly believe that the legal voters is the best system by which we could go before the people and ask that this measure be ratified. If you vote this down I shall support the resolution which has just been passed by the Committee, or recommended by the Committee; but certainly, as one interested in the State as a whole, I am in favor of legal voters in preference to the vote cast at the presidential election.

On motion of Mr. Lyford of Concord, the Committee of the Whole reconsidered the vote whereby it voted to recommend to the Convention that Resolution No. 34, Resolution in relation to the House of Representatives, be adopted by the Convention.

Mr. Lyford of Concord offered the following amendment:

Substitute in place of Resolution No. 34, Resolution in relation to the House of Representatives, the following:

*Resolved*, That Articles 9 and 10 of the Constitution be stricken out and that there be inserted in place thereof the following:

ART. 9. There shall be in the legislature of this state a House of Representatives, biennially elected, in which representation shall be in proportion to the average total number of ballots cast at the last two elections preceding the apportionment at which electors for President and Vice-President of the United States were voted for, except that the apportionment which shall be made by the legislature of 1921 shall be based upon the total number of ballots cast at the election of 1920. The whole number of representatives to be chosen from the several towns and wards shall not be less than 300 nor exceed 325. At the legislative session of 1921 and again at the legislative session of 1925, and every twelve years after 1925, the legislature shall make the apportionment of representatives. In determining the number of ballots required to entitle any town or ward to representatives additional to the first, there shall be required for each additional representative an addition of three times the number of ballots required for one representative. No town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which it shall be entitled by the next preceding apportionment, provided that to those towns and cities which since the last ap-

portionment have been divided or had their ward lines changed, the general court shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town or ward shall have cast less than the said average number of ballots required by the apportionment to entitle such town or ward to a representative all the time, the legislature shall authorize such town or ward to elect and send a representative such proportional part of the time as its average total number of ballots cast shall bear to the requisite number established in the apportionment for one representative; but the general court shall not authorize any such town or ward to elect any such representative except as herein provided.

On a *viva voce* vote the amendment was adopted.

Mr. Lyford of Concord moved that when the committee arise it report with the recommendation that Resolution No. 34, Resolution in relation to the House of Representatives, as amended, be adopted by the Convention.

On a *viva voce* vote the motion prevailed.

Mr. Lyford of Concord moved that when the committee arise it report Resolution No. 29, Resolution relating to the House of Representatives, and Resolution No. 31, Resolution relating to the House of Representatives, with the following resolution:

*Resolved*, That it is inexpedient to adopt the amendments as proposed in the resolutions.

On motion of Mr. Lyford of Concord that the committee do now arise—

On a *viva voce* vote the affirmative prevailed.

## IN CONVENTION.

(Mr. Spaulding of Manchester in the Chair.)

Mr. Emerson of Milford, for the Committee of the Whole, to whom was referred Resolution No. 18, Resolution relating to the General Court, Resolution No. 19, Resolution relating to Representation in the House of Representatives, Resolution No. 25, Resolution relating to the House of Representatives and Senate, and the Compensation of the Officers and Members thereof, Resolution No. 29, Resolution relating to the House of Representatives, and Resolution No. 31, Resolution relating to the House of Representatives, having considered the same, reported the following resolution:

*Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolutions.

The report was accepted and the resolution of the committee was adopted.

Mr. Emerson of Milford, for the Committee of the Whole, to whom was referred Resolution No. 34, Resolution in relation to the House of Representatives, having considered the same, reported the same with amendment with the recommendation that the resolution as amended be adopted by the Convention.

Amend by substituting in the following:

*Resolved*, That Articles 9 and 10 of the Constitution be stricken out and that there be inserted in place thereof the following:

ART. 9. There shall be in the legislature of this state a House of Representatives, biennially elected, in which representation shall be in proportion to the average total number of ballots cast at the last two elections preceding the apportionment at which electors for President and Vice-Presi-



dent of the United States were voted for, except that the apportionment which shall be made by the legislature of 1921 shall be based upon the total number of ballots cast at the election of 1920. The whole number of representatives to be chosen from the several towns and wards shall not be less than 300 nor exceed 325. At the legislative session of 1921 and again at the legislative session of 1925, and every twelve years after 1925, the legislature shall make the apportionment of representatives. In determining the number of ballots required to entitle any town or ward to representatives additional to the first, there shall be required for each additional representative an addition of three times the number of ballots required for one representative.

No town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which it shall be entitled by the next preceding apportionment, provided that to those towns and cities which since the last apportionment have been divided or had their ward lines changed, the general court shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town or ward shall have cast less than the said average number of ballots required by the apportionment to entitle such town or ward to a representative all the time, the legislature shall authorize such town or ward to elect and send a representative such proportional part of the time as its average total number of ballots cast shall bear to the requisite number established in the apportionment for one representative; but the General Court shall not authorize any such town or ward to elect and send such representative except as herein provided.

The report was accepted.

The question being on the adoption of the amendment as proposed by the Committee of the Whole—

With that motion pending,

On motion of Mr. Lyford of Concord, the resolution and report were referred to the Committee on Legislative Department.

On motion of Mr. Hoyt of Hanover, the Convention adjourned at 4.50 o'clock.

#### AFTERNOON.

The Convention met according to adjournment.

On motion of Mr. Callahan of Keene, the Convention adjourned at 4.52 o'clock.

#### WEDNESDAY, January 28, 1920.

The Convention met at eleven o'clock in the forenoon, according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal of the preceding day having begun,—

On motion of Mr. Callahan of Keene, the rules were so far suspended that further reading of the journal was dispensed with.

#### LEAVE OF ABSENCE.

Mr. Rice of Rindge was granted leave of absence for the remainder of the session on account of important business.

Mr. Metcalf of Concord asked unanimous consent to introduce a resolution.

Unanimous consent being given,

Mr. Metcalf of Concord offered the following resolution:

MR. PRESIDENT:

We are constantly reminded that death is no respecter of persons. Peasant and potentate, day laborer and captain of industry, pauper and multi-millionaire, private citizen and public official—all are subject to His call. The "Grim Reaper" stalks unheralded among the children of earth and summons them at will before that court of last resort, where all must ultimately appear, and from whose decrees there can be no appeal.

Especially are the members of this Convention reminded of life's uncertain tenure by the unprecedented mortality in their midst since this body was called into existence—a mortality relatively greater than was suffered by the American Expeditionary Force in the great world war, or by the armies of the Republic in any war in the Nation's history.

Since this Convention was called 30 delegates have responded to the final summons. Two of these, George W. Gordon, of Ward 1, Berlin, merchant, and Edson J. Hill of Ward 8, Concord, capitalist and corporate official, member of the House of Representatives in 1899, 1903, 1905, 1907, and 1909, passed away after their election in March and before the assembling of the Convention in June, 1918. The following named delegates departed between the session of June, 1918, and the present session.

*Richard R. Allen*, Manchester, Ward 6; street railway conductor, not previously in public life.

*Henry A. Clark*, Acworth; U. S. Mail Carrier; selectman for 10 years; member New Hampshire House of Representatives in 1903 and 1909.

*John E. Clough*, Lyman; farmer; several years in service as selectman, town clerk and treasurer; member of the New Hampshire House of Representatives in 1889 and 1899.

*Frank C. Clement*, Warren; merchant; chairman town school board and board of library trustees; member of New Hampshire House of Representatives in 1897, 1899, and 1915 and a frequent and forceful speaker; delegate in the Constitutional Convention of 1912.

*Lewis G. Coy*, Wentworth's Location; town clerk, chairman board of selectmen.

*Rockwell F. Craig*, Marlow; manufacturer, delegate in the Convention, of 1902 and 1912.

*Fred J. Crowell*, Nashua, Ward 7; dentist, educated at the University of Maryland; member New Hampshire House of Representatives in 1913.

*Mason T. Ela*, Warner; lumberman, moderator and water commissioner and prominent in town affairs.

*James Edward French*, Moultonborough; retired merchant; man of affairs; town moderator for 40 years, and long time town treasurer; member of the House of Representatives in 14 legislatures and of the Senate in 1; many years chairman of the House Committee on Appropriations, and long known as the "watch-dog of the treasury"; collector of United States Internal Revenue, 1889-93; member Board of Trustees of State Institutions 1915-17; member Constitutional Convention, 1912.

*Gilbert Hodges*, Franklin, Ward 1; civil engineer; member of the common council of the City of Medford, Mass., two terms, and president the last; member of the Franklin City council 3 years.

*Alfred Franklin Howard*, Portsmouth, Ward 2; lawyer; insurance secretary; studied with the late Judge W. H. H. Allen and Hon. S. L. Bowers of Newport, admitted to the bar in 1868, and settled in practice in Portsmouth; city solicitor 2 years; deputy collector United States Customs 2 years,

collector 12 years; police commissioner 12 years; delegate in the Constitutional Conventions of 1876 and 1902. As secretary and director of the Granite State Insurance Company, organized in 1885, on the withdrawal of the foreign insurance companies from this state upon the passage of the "valued policy" law, he rendered the public valuable service.

*William E. Lawrence*, Haverhill; physician, educated at the University of Vermont and Baltimore Medical College; member of Haverhill school board 13 years; member House of Representatives, 1913; trustee of State Institutions 1915-17; member Constitutional Convention, 1912.

*George Isaac McAllister*, Manchester, Ward 6; lawyer, graduate of Dartmouth College, class of 1877; read law with Hon. David Cross and Henry E. Burnham, admitted to the bar in 1881, and practiced in Manchester through life. Eminent in Masonry; deputy collector United States Internal Revenue, 1885-89; member Constitutional Convention, 1902.

*John F. Merrill*, Thornton; farmer; held many town offices and served in the House of Representatives in 1897.

*George W. Morrill*, Gilford; farmer, selectman, town treasurer; and member of the House of Representatives in 1883.

*Mortier L. Morrison*, Peterboro; banker, Civil War Veteran; treasurer Peterboro Savings Bank; Quartermaster 13th New Hampshire Volunteer Infantry; moderator of Peterboro many years; member New Hampshire House of Representatives 1879, 1881, 1915; New Hampshire Executive Council, 1885-6.

*William J. O'Neil*, Nashua; Ward 6; wood dealer.

*Bard P. Plummer*, Milton; farmer; member of the school board; selectman; sheriff of Strafford County; delegate in Constitutional Convention of 1902.

*Calvin Page*, Portsmouth, Ward 2; lawyer; banker; man of affairs; president of many corporations; educated at Phillips Exeter Academy and Harvard College; read law with the late Hon. Albert R. Hatch; admitted to the bar in 1868, and practiced in Portsmouth until retirement in 1910; Chairman Portsmouth High School Committee; Mayor of Portsmouth in 1883-4, and 1889; United States Collector of Internal Revenue 8 years under President Cleveland; member New Hampshire Senate 1893, 1917; member Interstate Bridge Commission (Maine and New Hampshire), New Hampshire Constitutional Convention 1889; past president New Hampshire Bar Association, and president Rockingham County Bar.

*George Weare Stone*, Andover; lawyer; graduate of Dartmouth, class of 1878; Boston University School of Law, 1882; in practice in Andover since; school superintendent and member Andover Board of Education many years; member New Hampshire House of Representatives 1885 and 1887, and minority candidate for speaker; trustee Proctor Academy and New Hampshire State Library; member and clerk Merrimack County draft board, No. 2, in the late war; member Constitutional Convention, 1902, and 1912; chairman, committee on Future Mode of Amending the Constitution in the present convention.

*Frank Arthur Updyke*, Hanover; professor of Political Science in Dartmouth College; graduate of Brown University, class of 1899; author "The Diplomacy of the War of 1812," contributor to various periodicals; member Constitutional Convention of 1912.

*Henry Weber*, Manchester, Ward 10; merchant; member of New Hampshire House of Representatives 1897.

*John Tapley Welch*, Dover, Ward 3; journalist; public official; educated in public schools and Dartmouth College; reporter and newspaper correspondent for several years in

Illinois; for some time Dover correspondent of the Boston Globe and city editor Dover Daily Times; clerk Dover Police Court; register of Probate for Strafford County, 1882-7; member New Hampshire House of Representatives, 1889; chief time clerk government printing office, 1890-4; member New Hampshire Senate, 1897; postmaster of Dover, 1898-1915; treasurer of the city of Dover since 1915.

*John H. Wesley*, Dover, Ward 5; real estate dealer; member Dover Board of Education, common council and board of Aldermen many years; nine times a member of the House of Representatives and member of the Constitutional Convention of 1912.

*Albert S. Wetherell*, Exeter; pharmacist; past president of New Hampshire Pharmaceutical Association; member New Hampshire House of Representatives 1893, 1895; New Hampshire Senate, 1901; delegate in New Hampshire Constitutional Convention, 1902.

*Ernest Charles Westcott*, Rochester, Ward 2; merchant; publicity manager, Rochester Chamber of Commerce; chairman Red Cross membership committee.

*Joseph Howard Wight*, Berlin, Ward 1; lawyer, educated at Maine Wesleyan Seminary and Boston University School of Law; town clerk and chairman Berlin board of selectmen; member city council; solicitor for Coös County; Justice Berlin municipal court.

*Eugene B. Worthen*, Manchester, Ward 4; overseer in Amoskeag mills; member city government, and New Hampshire House of Representatives, 1909.

MR. PRESIDENT AND GENTLEMEN: These, our brethren, have gone hence, to be here no more in the flesh. We miss their kindly presence, their friendly counsel, their valuable advice, based on large experience in many cases; but we recognize the fact that the Eternal Will is supreme, and its

mandates supremely just, mysterious though they often seem. It is not given to finite man to penetrate the mysteries of the Infinite. We know nothing of the life beyond, but if the Hope that springs eternal in the human breast was not planted there in vain, if the Faith that comes of trust in the Supreme Ruler of the Universe is not a mockery and a delusion, we may well believe that the disembodied spirits of our departed brethren still take cognizance of the things of time and sense, and that their influence is yet felt for good in our deliberation here, and in all our work in the world at large.

*Resolved*, by the members of this Constitutional Convention, that while we mourn the loss of so many of our fellow members, sympathize with their bereaved families, and with the several communities which they served so faithfully and well, we will cherish their memory, emulate their virtues, and commend their example in all good work to the present and succeeding generations.

*Resolved*, That when this Convention adjourns today it be in respect for the memory of the deceased.

THE PRESIDENT. The question is upon the adoption of the resolutions offered by the gentleman from Concord, Mr. Metcalf.

MR. EMERSON of Milford. I hesitate to offer a suggestion relative to the resolutions, which are so nicely worded; but, if I understand the reading correctly, the gentleman from Concord in his resolutions, in referring to the future life said we know nothing of the future life "if such there be." I, for one, as a representative and delegate in this Constitutional Convention, do not like to go on record as doubting that proposition. I do not believe the other delegates do. I wonder if the delegate from Concord would object to crossing out the words—"if such there be."

MR. METCALF. Not in the slightest—not in the slightest.

MR. EMERSON. It is not necessary, perhaps, to act upon it, if he is willing that they should be cut out; but I would like to have those words removed.



On a *viva voce* vote the resolution was adopted.

Mr. Dean of Danbury asked unanimous consent to introduce a resolution.

Unanimous consent being given,

Mr. Dean of Danbury offered the following resolution:

*Resolved*, That hereafter, both in Convention and in Committee of the Whole, debate be limited to ten minutes for each member, and no member be permitted to speak more than twice on the same subject except by unanimous consent.

The question being on the resolution of Mr. Dean of Danbury,—

Mr. Stoddard of Portsmouth moved to lay the resolution on the table.

On a *viva voce* vote the negative prevailed.

The question being on the resolution of Mr. Dean of Danbury,—

On a *viva voce* vote the resolution was adopted.

#### COMMITTEE REPORT.

Mr. Snow of Rochester, for the Committee on Legislative Department, to whom was referred Resolution No. 34, Resolution in relation to the House of Representatives, having considered the same, reported the same in a new draft with the recommendation that the amendment as proposed in the new draft be adopted by the Convention.

#### RESOLUTION No. 34.

(*In New Draft.*)

Resolution in Relation to the House of Representatives.

*Resolved*, That Articles 9 and 10 of the Constitution be stricken out and that there be inserted in place thereof the following:

ART. 9. There shall be in the legislature of this state a House of Representatives, biennially elected, in which representation shall be in proportion to the average total number of ballots cast at the last two elections preceding the apportionment at which electors for President and Vice-President of the United States were voted for, except that the apportionment which shall be made by the legislature of 1921 shall be based upon the total number of ballots cast at the election of 1920. The whole number of representatives to be chosen for the several towns and wards shall not be less than 300 nor exceed 325. At the legislative session of 1921, and again at the legislative session of 1925, and every twelve years after 1925, the legislature shall make the apportionment of representatives. In determining the number of ballots required to entitle any town or ward to representatives additional to the first, there shall be required for each additional representative an addition of three times the number of ballots required for one representative. No town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which it shall be entitled by the next preceding apportionment, provided, that to those towns and cities which since the last apportionment have been divided or had their ward lines changed, the general court shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town or ward shall have cast less than the said average number of ballots required by the apportionment to entitle such town or ward to a representative all the time, the legislature shall authorize such town or ward to elect and send a representative such proportional part of the time as its average total number of ballots cast shall bear to the requisite number established in the apportionment for one representative; but the general court shall not authorize

any such town or ward to elect and send such representative except as herein provided.

The resolution in its new draft was read.

On motion of Mr. Lyford of Concord that the rules of the Convention be so far suspended that the consideration of Resolution No. 34, (In new draft), Resolution in relation to the House of Representatives, be taken up for consideration at the present time,—

On a *viva voce* vote the motion was adopted.

The question being on the adoption of the resolution in its new draft,—

MR. SNOW of Rochester. Mr. President, Gentlemen of the Convention: This matter was referred back to the legislative committee, as you know, for the consideration of two or three objectionable features as they developed yesterday in the discussion upon the floor of the Convention or of the Committee of the Whole. Your committee has endeavored, as best it can, to meet the objections which consist of two or three items. I will draw your attention just to the important changes, so that you may act understandingly upon the report of the committee.

In the first place, this new draft makes the basis of the apportionment the number of ballots cast as distinguished from the number of voters upon the check list.

MR. LYFORD. I beg the gentleman's pardon.

MR. SNOW. Yes.

MR. LYFORD. It changes from the number of votes cast for president to the total number of votes cast.

MR. SNOW. Well, not being here yesterday perhaps I am confused about that. The suggestion was made, I think, however, in the discussion, by some, that we should use the check lists.

MR. LYFORD. Yes.

MR. SNOW. But the committee is of opinion that the check list is not the best basis, and we understand that those who are foremost in the advocacy of using the check list are satisfied with this draft. The total number of ballots cast, as re-

corded at the several town and ward elections, will hereafter be made a matter of record in Concord, as it has not been heretofore; so that the total number of votes cast would become the basis of the apportionment instead of the vote for the president or the presidential electors. It seemed to your committee that the total number of votes cast is a fairer basis, because every person who casts a ballot, whether it be actually counted or not, and whether it be for some subordinate official rather than an elector, or whether it be defective or what not, that person counts one as a citizen and voter in his town or ward, and therefore should be counted in apportioning the number of representatives to which his ward or town is entitled. I think I have sufficiently stated that item.

Now, it also seemed to your committee, after listening to some discussion, that there might be quite a difference in the actual attendance and voting in different towns at different elections. Therefore it seemed fairer that we should take at least two different presidential elections as a basis for the apportionment rather than to take any single election. The difficulty, however, that your committee met in this was that we cannot take the vote for 1916 and 1920, for the reason that at the vote for 1916 the number of ballots cast is not a matter of official record with our Secretary of State. True in your towns and wards you probably have kept a record, but it is uncertain whether that record is complete and is available; and therefore it would seem to be hazardous by amendment of our Constitution to base the apportionment upon a supposed record which may not be existing in some of the towns.

Therefore it seemed to your committee that the apportionment to be made by the Legislature of 1921, should be based upon the vote of 1920 alone. This may possibly in some instances work a temporary hardship, but in order to avoid any prolonged hardship we have in our redraft provided for a second apportionment in 1925, which will combine the votes of both 1920 and 1924; so that after 1925 you will have the advantage of the average of the two presidential elections in getting at the total vote in your town.

Another reason for providing for a reapportionment in 1925 lies in the fact that we are at the present time on the verge of large changes in our suffrage, if the women vote in 1920 and 1924. It seemed, therefore, that in any event there ought to be a reapportionment not only in 1921, but as well in 1925, by

which time the effect of such enlarged suffrage will have been fully discounted. So much for those two features of the changes.

Now I call your attention to another feature, and that is as to the size of the House. We have attempted to get a consensus of opinion, not only of the members of the committee but of other bodies and members who have seen fit to confer with us, and we conclude that the House should not exceed 325; and, while many of us think it ought to be considerably smaller, yet we have concluded to offer favorably for your adoption a provision that it shall not be less than 300 nor more than 325, as a fair representation of the expressions of opinion and desires of members so far as they have come before us.

My purpose, gentlemen, is to state briefly these few changes, so that you can intelligently act upon the passage of this amendment at this time, if it appeals to you, and then, as the gentleman from Concord, Mr. Lyford, has said, it will be printed for your individual reading.

MR. CAVANAUGH of Manchester. In view of the overwhelming sentiment expressed here yesterday in favor of the Lyford plan, and as it was left, as I understood it, that Mr. Lyford would collaborate with Mr. Hoyt of Sandwich with reference to a proposition to have the check list the basis of representation rather than the actual votes cast, I do not intend to reopen this question today in the way of starting any debate the same as yesterday. But in order that the saying "Silence gives consent" shall not apply to me, and in order that no claim may be made that the action here would be unanimous, I want to state that, for the same reason which I stated yesterday, I am just as much opposed to this resolution as I was to the original resolution, No. 34. It appears that the gentlemen who are represented by Mr. Hoyt of Sandwich, and the gentlemen who are represented by Mr. Lyford of Concord, have come to this agreement, which provides for the average vote, as explained by the gentleman from Rochester, Mr. Snow. I simply want to state, so far as I am concerned, and the constituency that I represent, the principle is just the same and just as objectionable to us.

MR. HOYT of Sandwich. Mr. President, Gentlemen of the Convention: I stated yesterday upon the floor of this House, before a Committee of the Whole, that I was in favor of Resolution No. 34, but in favor of it with amendments. I stated at that

time that at the proper time I should offer two amendments, one to limit the number of representatives that could be apportioned to the State. That has been cared for in this report. While I personally would rather have a larger House, yet I think this probably is fair, and I am willing to yield. The other amendment that I had in mind was based upon the total number of voters as shown by the check list. But, after listening to the discussion yesterday, and hearing the gentlemen from Manchester and the other cities state that their check lists were padded, and in their opinion probably would continue to be padded, or I will state it in another way, that they might be padded, might have been and might be in the future—. If that be true it would not be safe to place it upon that basis.

Now, gentlemen, these matters and the Lyford resolution have been amended in this new draft, meet my approval. It has been amended in this way. It is the total vote cast rather than the vote for the presidential electors. That, to my mind, takes away the opportunity of playing politics; that is, a man going to the polls and voting for a senator, representative, governor, and every other man on the list would not be counted if he failed to vote for presidential electors. But this counts every man's ballot if he goes to the polls, and I believe that will remove politics from this resolution, if it is adopted.

Now, the other feature is the basing of it upon two presidential elections rather than one—the average of two—so that if a storm comes or some other event occurs to reduce the vote in the country town, and in the city as well, that the average of the two elections is taken rather than the one. That does away with an objection that I had in mind. So I will say that I, for one, am in favor of the resolution as reported. I hope it will prevail and I shall do all I can to have it ratified at the polls if it passes this Convention.

MR. CAVANAUGH of Manchester. Mr. President, I want to rise to a matter of personal privilege; I guess I better state it. I want to say to the gentleman from Sandwich, Mr. Hoyt, and to this Convention, that I don't think the stenographer's report of what I said yesterday will have one reference to any check list being padded, whether in the city of Manchester or in any other city or town. But this gives me the opportunity to say to this Convention that, so far as the city of Manchester is concerned, we are operating under a registration law which I think is the only law of the kind in the state; I don't think

any other city or town has it—possibly they might have it. But I want to say to the gentlemen of this Convention that the check list of Manchester cannot be padded, because when the law went into effect in 1915 those of us who were voters had to produce the record of our birth, if we were born in this country, and if we were naturalized citizens we had to produce our naturalization papers. So that every name that is on the check list in the city of Manchester is the name of a man who has proven his right to be on there; and if the check list of every other city and every town in this state is as clean as ours I think it is a remarkably good situation that the check lists of New Hampshire are in.

MR. METCALF of Concord. Mr. President and Gentlemen: While this proposition as amended is a little better than it stood before, I cannot support it. I am opposed to this plan. I am opposed to it, first, because I think it is wrong in principle; and, next, because I am thoroughly satisfied that it would never be adopted by the people. I am well satisfied that there are delegates in this Convention, many of them, who do not want any amendment at all, who want things to stand just as they are now, who are supporting this resolution, and will support it, because they know nothing will be done.

I would like to see some reduction in the House of Representatives. I think it is the general sentiment of the people of New Hampshire that some reduction ought to be effected. I do not think we can effect any large reduction, but I do believe if the proposition which I submit can be submitted to the people and it is not my proposition, it is a proposition evolved in the brain of Elias H. Cheney of Lebanon, who is 88 years old today, a pretty good citizen and a pretty good Republican, and who would not evolve anything that was out of the way, and one that he believes sincerely now is the only thing that can be adopted. I believe if that were to be put up to the people it would be adopted.

Now, we have not done a great deal in this Convention. Our appropriation is exhausted we are told. We have submitted an amendment to the people, or prepared to submit one, which will provide for an income tax without any teeth in it. We have submitted another proposition to take out of the Bill of Rights two words that are rather objectionable, but which have been dead letters for a generation, the words "Protestant" and "evangelical," the word "Protestant" being very objectionable

to our Catholic brethren, and the word "evangelical" being objectionable to—well, to the wicked Unitarians and Universalists, like my distinguished friend from Ward 4, and Brother Parker from Claremont and myself. But that don't amount to anything, anyway, and I am fearful that bigotry will get the better of judgment, and that even that amendment will not be adopted. I hope it will. But, as I said, it amounts to nothing anyway, for those words are dead letters, and have been for generations.

MR. WENTWORTH of Plymouth. Mr. President, I rise to a point of order. He is not debating the question before the House.

MR. METCALF. Now, then, let us submit one proposition to the people which will be adopted, and which will amount to something, and not let it be said that we spent \$30,000 to \$40,000 of the people's money here in this hall for nothing.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Lyford of Concord, the resolution in its new draft was laid on the table to be printed, and then referred to the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the Convention.

#### RECONSIDERATION.

On motion of Mr. Hale of Laconia, the rules were so far suspended as to permit the reconsideration of the vote whereby the Convention adopted the resolution of the Committee of the Whole on Resolution No. 22 (in new draft), Resolution relating to the Taxation on Growing Wood and Timber, *Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.

On motion of Mr. Hale of Laconia, the Convention proceeded to reconsider the vote whereby the Convention voted to adopt the resolution of the Committee of the Whole on Resolution No. 22 (in new draft), Resolution relating to the Taxation of Growing Wood and Timber, *Resolved*, That it is inexpedient to amend the Constitution as proposed in the resolution.



On a *viva voce* vote the negative appeared to prevail.

Mr. Hale of Laconia called for a division.

Mr. Wright of Sanbornton called for the Yeas and Nays, and being seconded by the requisite number of delegates, the Yeas and Nays were ordered.

YEAS, 96½

ROCKINGHAM COUNTY: Sawyer, Sanders, Scammon, Templeton, Stevenson, Hoyt of Newington, Shaw of North Hampton, Cogan, Lovering.

STRAFFORD COUNTY: Pettee, Gunnison, Snow.

BELKNAP COUNTY: Rollins, Page, Tilton of Laconia, Hale, Plummer, Beede, Wright.

CARROLL COUNTY: Churchill, Gibson, Shirley, Hoyt of Sandwich, Foote, Meader of Wolfeboro, Pound.

MERRIMACK COUNTY: Buxton, Wheeler of Canterbury, Shaw of Chichester, Belanger of Concord, Chase of Ward 3, Concord, Lyford, Quimby, Thompson, Haynes, Burleigh, Towne, Little, Barnard of Hopkinton, Towle of Loudon, Wellman of New London, Donigan, Bartlett of Pittsfield, Shaw of Salisbury, Pearson of Webster, Wells.

HILLSBOROUGH COUNTY: Perkins of Antrim, Smart of Bennington, Fessenden, Greer, Parker of Goffstown, Haslet, Baker of Hudson, Griffin, Pillsbury of Manchester, Roy of Manchester, Farrell, Livingston, Cavanaugh, Schellenberg, Flanders, Chapman, Emerson of Manchester, Emerson of Milford, Keyes, Prescott of Milford, Lamson, Cobleigh, Hallinan, Brennan, Russell, Frye, Nelson.

CHESHIRE COUNTY: Hubbard, Duncan of Jaffrey, Mower, Huntress, Rice of Keene, Mason of Keene, Dickinson, Pierce.

SULLIVAN COUNTY: Barton.

GRAFTON COUNTY: Kahler  $\frac{1}{2}$ , Connor of Bristol, Ayres, Bartlett of Hanover, Butler, Noyes of Landaff, Bell, Byrne, Wentworth of Plymouth, Lee of Thornton, Woodbury of Woodstock.

COÖS COUNTY: Berquist, Evans of Gorham, Amey, Curtis of Northumberland.

NAYS, 224 $\frac{1}{2}$

ROCKINGHAM COUNTY: Sanborn, Smith of Brentwood, Lang, Rand, Tuck, Brown of Deerfield, Angell, Bartlett of Derry, Weston, Tilton of East Kingston, Edgerly of Epping, Bates of Exeter, Frost, Emerson of Hampstead, Brown of Hampton, Farmer, Prescott of Kensington, Sweeney, Pillsbury of Londonderry, Marvin, Beaudette, Willey, Hayford, Towle of Northwood, McDaniel of Nottingham, Hill, Entwistle, Stoddard, Peyser, Fellows, Foss, Wilson of Salem, Johnson of South Hampton, Pearson of Stratham, Hughes.

STRAFFORD COUNTY: McDaniels of Barrington, Rines, Hurd of Dover, Smart of Dover, Wentworth of Dover, Hall of Dover, Fairbanks, Marshall, Sherry, Durnin, Waldron, Bartlett of Lee, Knox, Davis of Middleton, Jones of New Durham, Cole of Rochester, Bilodeau, Young of Rochester, Varney, McNally, Parsons, Roy of Somersworth.

BELKNAP COUNTY: Whitney of Barnstead, Dearborn of Belmont, Smith of Center Harbor, Hammond of Gilford, Philbrook of Laconia, Young of Laconia, Locke, Ordway of New Hampton, Trickey.

CARROL COUNTY: Hammond of Albany, Gale, Chandler, Goulding, Stuart, Dearborn of Effingham, Bennett, Wentworth of Jackson, Kennett, Blanchard of Moultonborough, Kenison, Schenck, Edgerly of Tuftonboro.

MERRIMACK COUNTY: Kittredge, George, Streeter of Concord, Doherty, Metcalf, Lee of Concord, Patterson, Dean,

Bunten, Lapointe, Duffy, Childs, Jaquith, Bates of Pembroke, Fowler, Rogers of Pembroke, Pillsbury of Sutton.

HILLSBOROUGH COUNTY: Hull, Smith of Deering, Farnum, Hopkins, Boisvert, Duncan of Hancock, Baker of Hillsborough, Hayden, Tarbell, Chase of Manchester, Wheeler of Manchester, Wilson of Manchester, Pattee, Spaulding of Manchester, Deschenes, Rydin, Blanchard of Manchester, Carroll, Collins, Egan, Glancy, Gorham, Horan, Magan, McNulty, Streeter of Manchester, Newman, Chatel, Ryan, John J. of Ward 7 Manchester, Ryan, Patrick J. of Ward 7, Manchester, Sullivan, Dow, McElroy, Gingras, McLaughlin, Laberge, Francoeur, Gagnon, Eaton, Hodgman, Shaw of Nashua Lampron, Ledoux, Foisie, Gaffney, Winn, Dionne, Theriault, Phelps, Kelley, Hurd of Sharon.

CHESHIRE COUNTY: Newell, Randall, Booth, Callahan, Madden, Wellman of Keene, Kingsbury, Mason of Marlborough, Scott, Bullock, Spaulding of Stoddard, Marston, Dort, Clarke of Walpole, King, Whitman.

SULLIVAN COUNTY: Clark of Acworth, Hamlin, Charron, Colby, Kinney, Parker of Claremont, Paul, Sherman, Davis, of Croydon, Whitney of Goshen, Walker, Hall of Langdon, Benway, Dame, Rogers of Newport, True, Nichols, Bailey of Sunapee, Reed, Ball.

GRAFTON COUNTY: Tyng  $\frac{1}{2}$ , Parker of Benton, Pulsifer, Schoolcraft, Young of Easton, Keniston, Perley, Gage, Hoyt of Hanover, Morse of Hebron, Cox, Jones of Lebanon, Lord, Pike, English, Morse of Littleton, Veazie, Grant, Wendell, Stevens, Morrison, Elliott, Goodwin.

COOS COUNTY: Burbank, Couture, Hutchins of Berlin, Gall, Felton, Annis, Lombard, Aldrich of Dalton, Woodward, McHugh, Evans of Jefferson, Hancock, Johnson of Pittsburg, Watson, Philbrook of Shelburne, Noyes of Stewartstown, Hutchins of Stratford, Turner, Bowker.

PAIRED.

Mr. Shurtleff of Lancaster voting yes is paired with Mr. Jacobs of Lancaster voting no.

Ninety-six and one-half votes having been recorded in the affirmative and two hundred and twenty-four and one-half votes in the negative, the motion to reconsider did not prevail.

COMMITTEE REPORTS.

Mr. Plummer of Laconia, for the Committee on Judicial Department, to whom was referred Resolution No. 9, Resolution relating to Trial by Jury, having considered the same, reported the following resolution:

Resolved, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

Mr. Hutchins of Stratford, for the Committee on Legislative Department, to whom was referred Resolution No. 28, Resolution relating to the Senate, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

(Mr. Hutchins of Stratford in the Chair.)

Mr. Amey of Lancaster, for the Committee on Legislative Department, to whom was referred Resolution No. 23, Resolution relating to the Right of Suffrage, having considered the same, reported the same with the following resolution:

Resolved, that it is inexpedient to amend the Constitution as proposed in resolution.

The report was accepted and resolution of Committee adopted.

Mr. Amey of Lancaster, for Committee on Legislative Department to whom was referred Resolution 24, resolution relating to right of Secretary for holding office, having considered the same, reported the following resolution:

Resolved, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and resolution of Committee adopted.

Mr. Amey of Lancaster, for the Committee on Legislative Department, to whom was referred Resolution 26, resolution relating to salary of members of the general court, Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to amend the Constitution as proposed in the resolution.

Report was accepted and resolution of the Committee adopted.

On motion of Mr. Streeter of Concord, Resolution No. 6, Resolution relating to Pensions, was taken from the table.

The question being on the adoption of the amendment proposed by the committee; Amend by striking out the words "especially in a young one",—

On a *viva voce* vote the amendment was adopted.

On motion of Mr. Emerson of Milford, the Convention took a recess for one hour and fifteen minutes.

## AFTER RECESS.

The question being on the adoption of Resolution No. 6, Resolution relating to Pensions, as amended,—

On a *viva voce* vote the resolution was adopted.

The resolution was referred to the Committee on Time and Mode of Submitting to the People Amendments Agreed to by the Convention.

On motion of Mr. Metcalf of Concord, the following was added to the memorial resolution:

“Also departed this life since the first session of this Convention, Allen Chester Clark, Secretary of the Convention, promoting lawyer, efficient justice of the Concord Municipal Court, delegate in the Constitutional Convention of 1902, Secretary of the Convention of 1912.”

On a *viva voce* vote the motion was adopted.

On motion of Mr. Duncan of Jaffrey, Resolution No. 15, Resolution relating to the Referendum of Measures Enacted and Rejected by the General Court, and Future Mode of Amending the Constitution, was taken from the table.

Mr. Duncan of Jaffrey moved that the amendment as reported by the Committee on Future Mode of Amending the Constitution, and other Proposed Amendments, be adopted.

Amend Article 6, in line 3, of the printed copy, after the word “adjournment,” by adding the words “of any session;” and in line 17 after the word “any,” by adding the words “session of the,” so that as amended it shall read:

Article 6. No act or resolve enacted by the General Court shall take effect earlier than ninety days after the final adjournment of any session of the General Court passing the same,” etc.

Also,

"If within ninety days after the final adjournment of any session of the General Court a referendum petition," etc.

The question being on the motion of Mr. Duncan of Jaffrey,'

MR. DUNCAN. Mr. President, as a matter of fact, these amendments were suggested to me by the committee, and reported by the committee, but that does not change the subject matter. The amendments to the first part of Resolution 15 are simply perfecting amendments, putting in some words that were inadvertently left out but do not change the sense of the proposition. The latter part which was stricken out refers to the Initiative and legislative submission of constitutional amendments, which, being dealt with last Thursday, and rejected by the Convention, there is no further need of considering. This leaves, in Resolution 15, the Referendum, if we adopt these amendments suggested—the Referendum on measures enacted and rejected by the Legislature on petition of 4000 voters, with safeguards for measures carrying regular appropriations, and for emergency measures. With this explanation, I hope the Convention will accept the amendments, when we can come to the consideration of the measure itself.

MR. LYFORD of Concord. Mr. Chairman, I do not suppose it makes any difference whether we take the vote on this amendment or on the main proposition after it is amended. We have decided in this Convention in favor of a large House of Representatives. We have rejected the district system, reducing the House to 200 or 100 members. We have a very good referendum in a house of 300 or 400 members.

Now, my position on the Referendum or Initiative, whether one or both are included in this is immaterial, is that you take away the responsibility of members of the Legislature. We are now following a custom, since we changed to biennial sessions and elections, of giving a representative one term, as a rule, and with a great many members of the Legislature their political future ends with that service in the Legislature. Now you propose to take away from them what little responsibility they are willing to assume and let them pass measures to be referred to a referendum of the people. I do not believe in it. I think it is introducing something new into a State that

is conservative on matters of this kind, and I hope that the amendment and the resolution will be defeated.

MR. BRENNAN of Peterborough. It is not the usual procedure of the convention and certainly not the custom of my friend from Ward 4, Concord, to discuss the merits of a resolution when its amendment is the only particular subject at the time before the Convention; but inasmuch as he has spoken generally on the Resolution itself, I asked the privilege of presenting a few suggestions along the same line.

I do not know as Resolution No. 15, as amended, will find favor in this convention, but I do propose in any event to go on record as favoring such legislative referendum. I trust the delegates will, first of all, get this fact well in mind, namely, that this resolution is not a measure for initiative and referendum. There is no initiative about it. The initiative principle is a provision by which a bill may originate outside the legislature; being proposed outside and entirely independent of the legislature and submitted to the people. That is initiative; originating wholly with the people. Initiative and referendum is embodied in most of the state constitutions; but initiative is not, let it be remembered, in this resolution we are now considering. Having it clearly in our minds that there is nothing here but the referendum feature and that under this resolution a bill must first be adopted or rejected by the legislature before it can come to the people, we will understand that the legislature must have a first chance to pass or reject a bill before it can reach the people through referendum; it must be first shown that the legislature fails to enact the bill desired, or enacts an objectionable bill, before reference to the people can be had, under a petition signed by 4,000 voters.

My friend from Ward 4, Concord, who has just spoken, says: "It takes away the responsibility of the Legislature". On the contrary it places a greater responsibility, which they are more likely to carefully regard, upon the members of the legislature. You may also be told by some that they are opposed to this resolution because they believe in a representative government. and that this opposes such form of government. Whatever doubtful application this objection might have to initiative, it can have no logical application to the referendum feature. We can have no government under our



constitution that is not representative. We have well defined respect for our legislature and its work generally; our present form of government is to our liking and will always continue to function and have our respect; it must be in the legislature that the large body of laws effecting our people must originate. Do not let the fallacy possess you that this is an assault on representative government. The referendum only applies when the representatives fail to respect the wishes of their constituents.

The legislative referendum proposed in this Resolution No. 15, is to give the right to the people, under very carefully guarded provisions, four thousand petitioning, to permit the submission of a bill which has been before the legislature and rejected, to final determination of the people; or to permit a bill which the legislature has enacted, to be submitted to the people; the peoples' mandate in either case being final. Would it result in turmoil or in presenting to the voters a large amount of legislation, and would its adoption be an expensive or a complicated system? How many measures do you imagine would be passed along to the people under a referendum for their action?

I have had the honor to represent my town in three sessions of the legislature and I know of but one measure during these six years that I believe should have been submitted to the people. I can think of no other during that six years and I have an idea that references to the people would be in about that same proportion. While it is of course no logical objection that the people would have many such references, in my opinion they would need to have very few under the referendum and legislatures would be even more careful than now not to act contrary to the public will, and thus the legislature would indeed become more representative. Some of the best men here, but who have given this matter little or no consideration have asked me, "Are you in favor of this Resolution No. 15?" To my reply in the affirmative they have asked, "Do you think such a resolution will pass this convention?" I have replied no, for the very simple reason that there are quite a number of delegates who have not and will not understand it and are deceived by some such fallacy as that of surrendering representative government or legislative responsibility.

Is there occasion for such power of reference. That is an all-important inquiry, because if there is occasion for it, if

there are important bills that should be enacted and fail of passage in the legislature, or if bills are enacted that the people wish to repeal, laws tending to the peoples' injury, there obviously is occasion for this referendum giving the people power to act in such cases. You may ask: "Do we not now have a representative and have we not control over that representative; if he don't suit us cannot we vote for another?"

No, you have no control over him and cannot have, he is a free agent, he can act his own pleasure in aiding the passage of such laws as he wishes; an obnoxious law may be passed, or the legislature may refuse to pass a bill the people desire and the people as a whole have absolutely no power in the world to get rid of the one or have the benefit of the other. To be sure they can make it an issue in some future campaign and elect a legislature that may be more responsive to the popular will, but this at best is admittedly a long extended and uncertain process.

At the last Constitutional convention in 1912, one of the delegates triumphantly exclaimed, at the time this matter was under discussion, "I object to this legislative referendum (then with initiative) resolution, because there is no necessity or demand for it; no person has shown only by general statement and not by concrete examples where there is occasion for having any such supervision or check on the work of our legislature; hence, I am opposed to it." The reply to this forever silences similar statements and no such objection is made or will now be made here, for the very sufficient reason that we have several glaring instances where a referendum would have given to the people a much wished for chance to correct vicious legislation and thus enable them to obtain laws in the interest of justice and right; it can be shown convincingly that there is a necessity for such a power reserved to the people.

It is perhaps not necessary to take time to go fully into this question of the present necessity of such an amendment to our organic law, but as illustrations, I beg to very briefly direct your attention to a few comparatively recent acts and omissions of the legislature of such flagrant character as would warrant an immediate appeal to the people desirable if not indeed necessary in the interest of good government and in protection of the peoples' interest. Do not let alarmists get you into a state of mind in which you may imagine that this is some radical change in our form of government, that it is

going to fundamentally or mischievously upset legislative power, or, as my friend from Ward 4, Concord, has just said, "take away the responsibility of members of the legislature." It indeed puts the responsibility in a more certain way on the members of the legislature when such members find that the people can supply their own wants if the legislature fails to do so. The people will in effect say to the legislator: "If you pass a Salem Race Track bill you will have to respond to the people and your acts will be set aside." It happened in this race track case however that the court furnished the relief, but the people themselves had no power by vote to repeal the measure they could only futilely protest. After some time spent in litigation the court nullified the purpose of the bill, and if the court had not done so and thus killed it the bill might have remained until now so far as the collective power of the people was concerned. Perhaps some of you may have been in favor of the Salem Race Track bill enacted by the legislature, but I venture to say that a large proportion of the people of our state were opposed to it and would gladly have embraced a referendum to repeal it.

We well remember a demand, and a very pronounced demand it was, expressed in favor of an Income Tax amendment to the Federal Constitution. The people were by a large majority in favor of it because they believed it to be the most equitable and proper way to aid in raising our great tax levy and put the burden where it to a large degree belonged and relieve the poorer classes. There was a pronounced expression of the people in favor of this system of raising tax, and while such an amendment to the Federal Constitution passed the house, insidious influences got at work and strangled it in the senate. I do not need to tell any member of this convention, who has had legislative experience here, of the unexplainable and mysterious changing sentiment existing of members of the legislature at times, especially noticeable in the senate. Perhaps senators' minds are more receptive than are the minds of the members of the house. My observation is that while the senate is often erratic and unreliable, the house is more often right and more clearly responds to the people's will; it was in the senate that the relief of the people through this amendment to the Federal Constitution was killed. The fact that the people demanded it seemed to be of no moment to the senate, the people were simply obliged to take the medicine

given them, and had it been a matter of our state senate alone, our people could have got no relief up to the present day. But we have noticed a very great change of sentiment in regard to this matter of Income Tax as instanced in this convention and that principle of taxation is to be here warmly approved by those who formerly bitterly denounced it. The Federal constitutional amendment for the election of United States senator by the people received a similar treatment as the Income Tax so far as legislative approval was concerned, although that particular matter perhaps might not be made the subject of referendum.

Permit me to call your attention to another piece of legislation condemned by the people, but who were powerless to put an end to it. It was in relation to railroad passes. We do not need to ask whether we were personally in favor or opposed to the railroad passes; I am simply calling to your attention certain pieces of legislation, a repeal of which were admittedly and overwhelmingly demanded by the people, and a repeal of which the people were absolutely powerless to accomplish and had to bear with it for twelve years. For very many years, further back than most of the delegation here can remember, there was an anti-pass railroad law which with general approval remained intact up to 1897. In that year, during the last hours of the legislature, there was a bill introduced in amendment of the statute, with a title purporting to refer to railroad police and kindred matters, but as a matter of fact had little or nothing to do with railroad police. The old law provided that no person except stockholders, employees, express and mail agents, should have free passes over the railroads, and passes were prohibited to anybody else except in some charitable cases. But at the end of this railroad police bill of 1897, were added a few very potent words. Passes of course might be given to stockholders going to corporation meetings, might be given to employees, might be given to express employees. In other words, passes could be issued to any person to whom passes are issued. That bill thus amended was enacted into law by the legislature and the people were absolutely powerless to remedy the condition thus created and continue a law for twelve years.

On motion of Mr. Lyford of Concord the time of the gentleman from Peterborough was extended ten minutes.

MR. BRENNAN. I thank you, gentlemen. Those twelve words reversed the state's policy; "And others to whom passes have been granted by the proper officers." You know, Mr. President, what an almost universal opposition there was to that violent reversal of this state's policy in the regulation of railroad passes, but it remained the law a dozen years, and up to 1909, because the people as a whole were absolutely powerless to change it and the members of the legislature had all the passes they could use and rather liked it. Finally after a long process of public protest extending over this period of years a change was made. What do you think would have been the result on that hurriedly enacted law if the people could have had it referred to them? How long do you believe it would have remained a law under a system of a referendum to the people such as is proposed in this resolution?

I will not take your time to mention but one more measure, which perhaps comes closer to us than any other; the efforts to have a law passed for the establishment of correct weights and measures. Up to April 19th, 1917, New Hampshire was the only state in New England, and one of the very few in the United States, that had no general law regulating weights and measures, and our state became the dumping ground for all kinds of inferior weighing devices, many of which were fraudulent. In the legislature of 1913 I ventured the then somewhat startling statement that the purchasing public of New Hampshire was losing annually over \$700,000 in consequence of defective weighing devices and measures and giving as my authority the fact that this was based on the then recent investigations made by the United States Bureau of Standards in Concord, Manchester, Portsmouth and Nashua, where they had city sealers of weights and measures and were probably as well if not better equipped to protect purchasers in those cities than was the case in the towns where poorer tests or no tests at all were made. On the basis of this thorough and impartial Federal investigation the bureau estimated this large amount, as stated at the time, was annually lost to the purchasing public of our state; in other words, this sum was taken from those who bought goods and those who sold the goods wrongfully received that amount.

The first report of our state commission of weights and measures submitted to the governor and council last year, demonstrates that this estimate was much too low and that the

purchasing public in fact lost over a million dollars the previous year (1917) and incidentally the inspectors during that time had accumulated a pile of fraudulent weights and measures that would half fill one of our committee rooms. The public demand for protection which found expression through the Grange, the Women's Clubs, the press and through other mediums, was embodied in the bill I introduced in the legislature of 1913; it passed the house overwhelmingly, but three or four men in the senate were able to kill it in that session; the process was repeated in the 1915 session where the influence of two men in the senate again killed it and not until 1917 was this demand of the people answered by the passage of our present just and equitable law regulating honest weights and measures. For years the people were being defrauded in this large sum of money but were entirely helpless; no power was vested in them to right this great wrong, under which those who bought were losing so much money by the injustice of giving to the seller money that belonged to the purchaser.

A member of that senate, who was an important factor in that body, came to me and said: "You know I opposed this bill the last time it was up, well I want to tell you now I am in favor of it more earnestly than yourself; I have thoroughly investigated your bill and it is all right and I am going to work for its passage in every way I can." Strong opposing influences were set to work; the house was overwhelmingly responsive to the people's demand but the senate hesitated. Three days after this declaration, friends of the measure came to me and said, "Do you know how Senator Blank (we will call him) is going to vote on this bill?" I replied, that, while he was formerly opposed to the bill he was now earnestly in favor of it and that they need have no apprehension he was going to work for its passage as he stated to me. "Don't you be too sure about that," my informant replied. After which I met Senator Blank and told him of the rumor. "Well," he replied hesitatingly, and with a far away look, "of course there are some things about it I cannot quite agree with." That man went into the senate and talked and voted against that bill. He may have been honest. I do not have the right perhaps to attribute dishonest motives to him. But I prefer to deal with a person who has a little more stability; I dislike to have a man change so quickly; perhaps some senator's minds work

quicker than ours; however that may be, the people themselves should have a chance to revise such work.

I submit there should have been some process so that the people during those six years should not have had to suffer under that wrong and injustice; if we had a referendum relief would have come to them six years earlier than it did. With a legislative referendum the senate would be more likely to have been responsive to the demands of the people, knowing that if they would not respect the people's will, the people themselves would have the power, despite all influences, to obtain relief.

During my three terms in the legislature I know of no other bill, as I have said, but this last named, that in my opinion should be referred to the people, and I submit to you, Mr. President that this one measure should have been. It would be the greatest advance along the lines of pure democracy in the interest of all the people to pass a legislative referendum fully recognizing the doctrine laid down in Article 7 and 8 of the Bill of Rights, that, "The people of this state have the sole and exclusive right of governing themselves. All power residing originally in and being derived from the people, all officers are at all times accountable to them."

There is nothing radical about this proposed amendment in our scheme of government but is in absolute unison with it. It would in no sense deprive us of representative government, but would make our government more representative, and responsive to the people. It is in the line of insuring legislation, comporting with the people's will and for the protection of all. It would be giving to the people an opportunity to revoke a violation of their wishes and interests. When a legislature fails to comply with the desire and wishes of the people, that desire ought not to be postponed until the uncertain period when a legislature might be elected to respond.

I ask you delegates to seriously consider this important resolution with open mind and without prejudice, in the interest of all our people and in the interest of yourself.

MR. HOYT of Hanover. Could I ask you to read to the Convention lines 63 to 67 of this resolution?

MR. BRENNAN. If my good friend will pardon me, I cannot give the time with the few moments remaining to me, he can, of course, read it in his own time.

Again I earnestly admonish the delegates to look at this in an unprejudiced manner and carefully consider whether or not



this really is an assault on representative government; make up your mind whether it is taking away any legislative responsibility and if you find a material argument against this resolution do not vote to submit it to the people; but unless you do find a valid argument against the resolution, let the people pass upon it and have faith in the people to wisely determine themselves whether or not they want this right of legislative referendum as part of our organic law.

This measure (with initiative) took fifteen weeks argument before the Massachusetts legislature, and we are giving this resolution only a part of a day here. The report of the Massachusetts debates makes a large book nearly three inches thick. It was seriously considered and adopted in that commonwealth after due deliberation. It has been adopted by twenty-five of our forty-eight states and, in my honest opinion, fellow delegates, New Hampshire will soon adopt this referendum; the man now having the strongest prejudices against this resolution, will I believe, be earnestly in favor of it upon a more careful consideration of the measure; simply because it is everlastingly right.

I wish to go on record in favor of this resolution here in this constitutional convention, even if I stand here alone, in advocacy of giving the people of my state a chance to remedy legislative errors. I want it within their power to promptly assert their will whenever the legislature fails to represent them. I am greatly obliged for the attention given me and for extending my time.

MR. WELLMAN of New London. Gentlemen of the Convention: If it were not so serious, it would be laughable to note the pertinacity with which the members of this Convention avoid the possibility of allowing the electorate of this Commonwealth to express themselves in any conclusive manner upon problems vitally affecting themselves individually and the body politic generally. The most constructive piece of legislation that has been introduced into this house during this session was supported by one argument, which to my mind was conclusive, and then we very generously voted it out of existence. The one measure that has any chance, in my opinion, of being ratified by the people of this State, in the matter of the reduction of the House of Representatives, was that introduced by the gentleman from Jaffrey, Mr. Duncan. That might not have been ratified by the people at the next referendum; it



may take more than seven years to educate the people into what is meant by proportional representation; but I trust and believe that many here will live to see the day when that method will be the solution of our great problem in the matter of representation.

So far as actual definite constructive legislation is concerned for this body, I personally feel somewhat like the darkey who had recently been given a position which appeared to him rather an enviable one, but, much to his dissatisfaction, proved quite otherwise. When asked by one of his friends concerning his new position, he was compelled to say that he didn't like it at all. "Don't like your position—why not?" "Well," said the darkey, "this morning missus boiled three eggs and she served me the broth."

I fear that we have spent too much time upon unessentials, but we have at last come to what I believe to be a serious consideration of a measure which is worthy of being placed before the people of this State for ratification. I am one of those who have profound respect for the ancient document called the New Hampshire Constitution, and the greatest of admiration for the foresight of its framers. Their ideals, if properly pursued, will be found of value in the solution of present day economic, political and social problems. Our government was founded to give to all the people the privilege of enjoying certain inherent rights, among which are life, liberty and the pursuit of happiness. The machinery devised purported to accomplish this end; and, in spite of the warning held up by the gentleman from Concord, the measure proposed is not radical; it does in no sense contravene the ideals of the framers of this great document. I quote Article 1, to show that the machinery devised purported to accomplish this end:

"Therefore all government of right originates from the people, is founded in consent, and instituted for the general good."

After a lapse of a century and a quarter we are prone to inquire concerning the orientation of our legislative acts, to query whether the people's consent is really sought, and whether our government always functions for the general good.

This venerable document further tells us, in Article 8:

"All power residing originally in, and being derived from the people, all the . . . . . officers of government are their substitutes and agents, and at all times accountable to them."

I submit, gentlemen, that this is no new matter that is being brought to your attention. The right of the people to rule is still further emphasized in Article 10 by asserting that, under certain contingencies, "the people may, and of right ought to, reform the old or establish a new government."

Now, business or political efficiency demands that we accept the premises, first, that an agent is accountable to his principal at all times, and, second, that the principal's will takes precedence over the acts of his subordinates or agents. In our Commonwealth the legislative machinery is entrusted to representative bodies who are nominally under public or popular control. Their output, however, with the exception of constitutional amendments, are not under public control. This lack of popular control is a fundamental defect in the machinery of government, which the growth of modern industrial combinations and their concomitant influence upon legislation has revealed. When first discovered, the question was asked, What can be done? The answer was given 22 years ago, when direct legislation, called popularly the Initiative and Referendum, was written into the Constitutions of South Dakota and of Oregon. As our fathers modernized their inherited institutions—the great liberty documents wrested from unwilling potentates and arrogant obligarchies—so, in the last two decades, we have modernized our constitutional methods.

It is not necessary for me to take the time to describe what is meant by direct legislation, but simply to say, in the language of Professor Johnson, that the initiative corrects sins of omission, and the referendum corrects sins of commission. Does it work? It does. The record is open for your persual. New England is especially fitted for it. It is an extension of our time-honored Town Meeting idea. The old Pine Tree State, true to her motto of "Dirigo," in 1908 blazed the way for New England. A decade later Massachusetts followed, and now is the time for New Hampshire to act in accordance with her best traditions.

True representative government has yet to be given a fair test and trial. Our legislators have continually been exposed to temptations, and how they have yielded has been in evidence

frequently. I could recite numerous instances, but I won't take the time for that.

I simply want to say, in closing, that there are, so far as I have been able to discover, no logical arguments against the and over and over again. It is the only argument that will stand up before this house, it is the only argument that will defeat this measure, and that is the argument of fear.

Now, I submit, gentlemen, that that ought not to be considered seriously by a fair-minded group of men, such as constitute the membership of this house. The stability of our Republican institutions depends in these troublous times upon one thing: That we should develop a sense of personal responsibility for governmental action in the heart of every citizen. There was a time a few years ago when government, Federal and State, appeared to be impersonal, when we thought of the government in Washington as being something afar off, removed from us, with which we had nothing in common, who looked down upon us as mere atoms, living automata, whose business it was to vote to send year after year those who should go to enact legislation for us. In the past four years, however, there has been a change, and we feel that we are now a vital, throbbing part of these bodies politic, both State and National. When we have the privilege, as we propose, of participating directly in every piece of constructive legislation, we would feel that we are really worth something as citizens. Those men and women who are seeking by naturalization the privilege of citizenship in this and other States must be made to feel that they will be something besides automata, that they will have a real definite personal relationship with this country.

The other night in the town of Newmarket I stood before my evening school and led them in pledging allegiance to the Flag, which we were trying to teach them to love; and as those Poles, French and Russians tried to lisp that pledge, I felt glorified that I had the privilege of trying to inculcate some ideals of patriotism among those whom we class as aliens. But I want to do something besides that. I want to develop in their hearts a sincere love for country, so that when they rise and sing with me, "My country, 'tis of thee, sweet land of liberty, of thee I sing," they will sing it from the heart that knows the true meaning of those words. And when they come to that other verse, "Land where my fathers died," we think of

1918, we think of Chateau Thierry, we think of the Argonne forest, and that becomes literal in their minds. "Land of the Pilgrim's pride, of thee I sing." And as an educator in this State it will be my purpose, my privilege, to teach the young people who come within my sphere of influence the worth of direct legislation, the privilege that every citizen may have in the decade to come, if not today, of contributing his personal efforts for the general welfare of the country and the State in which he lives.

MR. HOYT of Hanover. Mr. President and Gentlemen of the Convention: I think perhaps there may be some in this house who perhaps have not read through this resolution. I will admit that I had not thoroughly, but I happened to take it up and saw some of the lines in this resolution. I am not going to bring in politics; I couldn't bring in oratory if I would; but I think it is well to take common sense and decide something by that. Let me read—and if I don't read loud enough so you can all hear, I want to have everyone hear—commencing at line 63:

"If measures determined by the Supreme Court to be conflicting shall be approved by a majority of the votes severally cast thereon, the measure receiving the highest number of affirmative votes shall become law as to all conflicting provisions."

Now, in my own town—I don't know how it is in the other towns in the State—we consider the primary something of importance; but, with 600 voters, we usually get somewhere from 40 to 60. I may be wrong in this, and I read this so that I may be righted if I am. But it strikes me, in a matter of fact way, that the Supreme Court is something that should not be overridden by the primary. Perhaps I am wrong. If I have a case I carry it, perhaps to the police court; then they give me a chance to carry it to the Superior Court, and then to the Supreme Court, and if you want to carry it further, you carry it to the United States court. This does away with it. We don't want the Supreme Court, if we have the referendum.

Now, gentlemen, let us be careful about this, and let every man read, and see if he wants to adopt by a primary or gathering together all these measures. What a piece of machinery it would make! But I consider our present laws in regard to Legislation would not be improved by a great mass of machin-

ery organized for political supremacy. If my friend here was of the majority party, and I was a little worried that his party was the majority, and we Republicans should happen to like a measure, redistricting or something, why, what a time we should have!

Gentlemen, all I have to say is just this. Read that article, and see if you want to override the Supreme Court on all these questions. There are a great many like me that don't understand deep legal questions. My brother from Peterborough (Mr. Brennan) does. My brother from Concord (Mr. Lyford) and many other delegates also but there are a few of us that come from the country towns that are not graduates in the legal profession. Now, if this is perfectly simple, and doesn't mean as it reads, that is one thing. If you want to make a great machinery to enact your Legislation, all right. I was thinking why not have a governor and twelve men to make suggestions, and then let it go to the people. That would be a great deal more practicable. That is all I have to say, gentlemen. Read this through, and if you want that provision, then let us have it. Go before the voters of the State for their decision.

MR. PIKE of Lisbon. Mr. President, Gentlemen of the Convention: When I came to this Convention I rather considered myself a radical, but I am beginning to think I am a conservative. We have one of the most radical propositions that has ever been introduced into any body before us for consideration today. Now, this thing may be all right in theory, but when it comes to practice it is a different proposition. We have a primary law in this State that was put on the statute books by both political parties, we will say, and neither party dares or has dared up to the present time to put itself on record as against that proposition. But you all know as a matter of practice that it doesn't amount to a Hannah Cook. We don't dare to go out and stand on our feet and get rid of it.

If we go to work without consideration and pass any such measure as this, we are all in the same boat; we haven't any Supreme Court or anything else. All our little petty legislative wrangles can be submitted to the Supreme Court, and then trotted back and voted on by the people and the Supreme Court overruled. Now, if we have any foundation for government, if we have anything that we ought to bank on and keep out of politics, I submit it is the Supreme Court of the State of New

Hampshire, and God knows New Hampshire has a good Supreme Court.

We passed the other day an income tax amendment to the Constitution. Supposing that the people of the State of New Hampshire go head and ratify that provision, and the Legislature comes in and passes a State income tax law, and some fellow who gets hit goes to work and files a petition under the provision of this act, he can get out of paying his income taxes for two years, the way this resolution is written out here. I submit that is not good sound horse sense and isn't what we want. We have to get down to brass tacks here. We are nearly through this Convention, and it seems to me we don't want to slop over in any such way as this.

Now, I may be wrong about it, I may be getting too conservative; but I am not running for office, I don't want to be Governor or a general of the army or anything else. But as to this thing, I cannot help thinking that the thing is so radical that we absolutely are taking away the very roots, the foundations, of law and order in this State. Here is another thing. Here is the proposition of the expense of the thing.

MR. BRENNAN of Peterborough. Would the gentleman allow a question?

MR. PIKE. Certainly.

MR. BRENNAN. Do you understand that there is a reference in this bill to all decisions of the Supreme Court—

MR. PIKE. I certainly do.

MR. BRENNAN. Or, rather, to conflicting opinions?

MR. PIKE. Line 63.

MR. BRENNAN. To conflicting opinions that the Supreme Court has?

MR. PIKE. I will read it.

MR. BRENNAN. Very well.

MR. PIKE. And then we will see.

MR. BRENNAN. I think, Brother Pike, you don't understand.

MR. PIKE. "If measures determined by the Supreme Court to be conflicting—" That is, conflicting with the Constitution, as I understand it? Is that right?

MR. DUNCAN of Jaffrey. Certainly not.

MR. PIKE. Then you and I differ on the construction of that word.

MR. DUNCAN. What are conflicting measures, Mr. President?

MR. PIKE. It doesn't say "conflicting measures;" it says "conflicting."

MR. DUNCAN. Mr. President, will the secretary—

The PRESIDING OFFICER. Does the gentleman yield?

MR. PIKE. No, not at this time. He can make reply. Now, I would like to read that so that you can all understand it. It has been read once, and I will leave it. I will say just this. Here is another question. You all know that you can take a petition around your town and you can get Tom Jones and John Jones and John Brown and everybody else to sign it, if you are a good fellow and know the game; and the other fellow can take a petition and he can get the same fellows to sign it. And you get these petitions in here. Here is the expense of getting out copies of these measures, and that they should be printed by the Secretary of State and distributed. Not only that, but you have a provision in here that you can put something in that applies to specific localities. Ordinarily speaking it has to be a general law, applicable to all people of a certain class. But the way this thing reads—I may not understand English very well—but the common sense of the thing would teach you that they want to make one provision for one section of the State perhaps, and another one for another.

I want to go on record as against this measure for just simply these reasons. If I am wrong the Supreme Court interpretations would not go under the provisions of this bill. But that is up to the fellows who sign the petitions and get them voted on. They would say what those provisions meant—not the Supreme Court of the State of New Hampshire.

MR. TYNG of Ashland. Mr. President and Gentlemen: The statement has been made here very emphatically that this is pure referendum and not initiative. Now it seems to me, if you turn to page 4, line 42, you will see that the initiative comes in there. I may misunderstand it (I speak subject to correction) but so it seems to me. It reads thus:

"If an act or resolve, proposed in the General Court fails to be enacted by that General Court, then on petition of the number of qualified voters last above stated, and filed with the Secretary of State not less than four months previous to the next State election said act or resolve in its original form or in such amended form proposed in the General Court as may be petitioned for by such petitioners shall be

submitted to the voters at the next ensuing State election, and shall become law in thirty days after said State election, if a majority of the votes cast thereon is in the affirmative; otherwise it shall not become law."

It seems to me that this proposes that any act or resolve whatever that has been proposed in the General Court can be referred to the people.

Now, to propose an act or resolve requires only two persons, the person who presents the resolution and his second; so that, as I read it, any two persons in either branch of the Legislature can have anything that they please presented for a referendum. I should like to have some explanation on that point.

May I add another word or two? It seems to me that these sheets present to us several quite different subjects, and though I am not saying anything against the referendum or anything else in the proposal, that they ought to be divided, and certainly that this part, as I understand it, should be separated entirely from what precedes.

MR. BARTLETT of Hanover. I judge from the remarks of my colleague from Hanover, all of which I could not hear, that my good friend and colleague and I differ. I myself, and very many of my constituents in Hanover, are in favor of this measure; and I only rise to make that statement and not to make an extended argument. The only argument that I can find against it, Mr. President, is that you cannot trust the people, and I should be very loath to fall back upon that argument in a democratic government.

MR. DUNCAN of Jaffrey. I do not depreciate the intelligence of this body so much as to think that if they have read the proposition before them they place any weight upon the interpretation of the gentleman from Hanover (Mr. Hoyt) or the gentleman from Lisbon (Mr. Pike.) I will read on page 111 of the journal, or lines 63 to 67 of the resolution:

"If measures determined by the Supreme Court to be conflicting shall be approved by a majority of the votes severally cast thereon, the measures receiving the highest number of affirmative votes shall become law as to all conflicting provisions."

Now, if that is going back of the decision of the Supreme Court I don't know what the English language means. Here are two propositions that are presented at the same election



under the referendum, and we ask the Supreme Court, "Are those propositions conflicting with each other?" If the Court says, "Yes," the one that is approved by the largest number of affirmative votes takes effect as to all conflicting provisions.

Now, if the English language means anything it means just exactly what I said, and it doesn't have anything to do with decisions of the Supreme Court, but simply with measures that are referred to the people. The gentleman from Lisbon (Mr. Pike) refers to something about referendum to localities. Now, I submit to you if that might not possibly be a good thing:

"The General Court may, by majority yea and nay vote it in each branch, refer any act or resolve to the voters of the State, or any act or resolve affecting any locality to the voters of that locality."

If there is some proposition that relates to Manchester the Legislature can do what is impossible for us to do now except under particular provisions—refer that proposition to the people of Manchester—and I believe it is a good thing.

Now, to go back to the amendment itself. This is a measure to vitalize Article 8 of the Constitution, which provides that, "all power being derived from the people, all the magistrates and officers of government are their substitutes and agents and at all times accountable to them."

We elect a Legislature for two years. After the election is over we have nothing to do with their acts. You are a business man. Suppose you have a man who is working for you under contract for two years. Do you lose all control of him? I guess not. Suppose you are a farmer and you have got a hired man, and you send him out in the woods to chop gray birches, and you go out and find him chopping pine trees; you reserve the right to tell him to do differently. That is all we ask you to do. We want to apply the principles of business, the principles which are inherent in every business, to the business of government. That is all this proposition is.

Now, some one says this is a new thing. It is simply the application of the principles of the New England Town Meeting, which everyone of you is familiar with, to the business of the State. Suppose a proposition comes before the Legislature, and the Legislature acts in a way different from what the people of the State want, whether it is affirmative or negative. This amendment gives 4000 people, that is, 5 per cent of the voters

approximately, the right by petition to say to the Legislature, "We are not quite satisfied with your action on this measure, and we want a chance to pass on it ourselves." Under a democracy that is the only thing that is reasonable, and the only reason we did not have it in the first place is because conditions were such we could not apply these principles in those days.

Some one says it is a new thing. Twenty-two States have adopted this proposition in twenty-two years. Massachusetts, as has been suggested, for fifteen weeks discussed this proposition, and at the end of that time they submitted a similar amendment by a vote of 163 to 125, and it was adopted by the people. Last November the people of Illinois had a chance to vote on Initiative and Referendum and they voted over 400,000 Yes to 100,000 No; and there is a Convention working there now on this proposition, that is going to make Illinois the twenty-third State unless New Hampshire comes in ahead of them.

Now, in order to tell you something of the people of New Hampshire who want the referendum—not to snap the party whip, not to call in any sentiment of any kind, but simply to show you where the demand in New Hampshire is—I want to call your attention to the fact that the Democratic party for the last four campaigns has asked for the referendum in its platform. In 1910 the Grange of the State took a referendum itself of its members on this proposition, and it was supported by a majority of about four to one. I have in my pocket a letter from one of the prominent citizens of New Hampshire who believes in the referendum, Senator Moses. In December I wrote to Senator Moses congratulating him on his attitude when he voted for the Gore resolution amendment to the Peace Treaty, providing for a referendum to the people of the United States on questions of war, congratulating him on his stand on that point, and he says:

"I felt that my vote on the Gore amendment was opportune; and I can add that it, like all my other votes on the Treaty, was cast from conviction."

Now, when Senator Moses is convicted of the truth—convicted of the truth of the referendum—I submit to you if we people in New Hampshire are going very far wrong when we give the people of this State a chance to say whether they want it applied to State affairs or not.

In 1917 we had an example of how the referendum worked in this State, and I don't believe many of you recognized it at the time. Eight prominent citizens of New Hampshire thought that the Legislature ought to receive instructions from the people, from its constituents, as to how it should act under certain conditions, and so they sent out a letter to the various towns in the State asking them in the Town Meeting of March, 1917, to adopt those resolutions, supporting the Legislature and the United States Government in its attitude toward the war. And the people did that. In almost all the towns they adopted those resolutions, and they were brought into the House on the 21st day of March, and the Governor delivered an address in which he referred to that very thing, that the people were for supporting the war, and the Legislature appropriated on that day, without debate, a special appropriation of half a million dollars, largely on the strength of those resolutions. Now, I say that if the referendum was fit to be invoked by gentlemen like Governor Keyes, President Barton of the Senate, Senator Martin, Speaker Morrill, Chairman Couch, Major Brennan, Hon. Frank S. Streeter, and Hon. Clarence E. Carr—if that proposition, at short notice, an informal referendum, was regarded as having any binding force on the Legislature of 1917, there isn't going to be any harm in letting the people try the referendum themselves once in a while when they think it is necessary. These are some of the reasons, Mr. President, why I believe that the referendum should be adopted in New Hampshire.

MR. WENTWORTH of Plymouth. Mr. President, I came here with the intention of keeping my mouth shut, my ears and eyes open, and simply raising my voice for the purpose of voting. I am not going to say but a word or two now; but when we talk about putting the Constitution on wheels and carrying it around from door to door, and asking our constituents to vote without having given it very much consideration, and ask them to change and amend the Constitution right off hand, why, it raises some query in my mind whether we ought to do it. My friend from Newmarket (Mr. Wellman) got up here and talked to us and told us we couldn't have any good old patriotism in our hearts, any love for the good old Flag, that he couldn't teach his children to love it and to stand back of it, unless we had a referendum. That seemed to be his argument. My friend from Peterborough (Mr. Brennan) has been here six years representing his town, and he finds out after those six

years that he should have had a referendum hitched to him. But it seems the people from his town had confidence enough in him so that they returned him without it.

From what my friend who has talked just before me here says, you would think we ought to have Senator Moses here to tell us how to vote. I assume that the Senator has got all that he can attend to out in Washington. He is on some important committees, he is an able man, and I think perhaps, the people will assume that we ought to look after affairs here and let him attend to his duties out there. He says "Illinois has a referendum, therefore we should have it."

Now, if we had a small House here of 40 or 50, the same as they have in some other States, there might be some argument for the referendum. But we are here, each one of us, representing only a few people. When we go home we find out how our people want us to vote. Without doubt you have; I know I have. I have talked with my people at home and found out what they thought about this, that and the other thing, and I propose to try to vote to represent them. I believe that they have got confidence in us.

Now, then, we do have the referendum, we have it every two years. When the people are dissatisfied with the laws which we have passed, you needn't worry about their returning ~~as~~ here again. They will have no use for us. We have a referendum often enough without hitching it on here. I think our people can trust us. That is one of the great reasons why we don't need a referendum, because we come here every two years, and represent a small group of people, and we can keep in touch with what they want, and I believe they have got the confidence in us to do that.

One of my friends here spoke of the fact that the Democrats had it in their platform for the past two or three elections. The people then have passed upon it, haven't they. Now, do you want to submit it to them again? Further than that, today under the Constitution, as the fathers provided for it, we couldn't change the Constitution by a majority vote, by Tom, Dick and Harry voting for it offhand at their door. But this provides for it. In Article 97 it says:

"The General Court may, by majority yea and na vote of all members elected to each branch, in joint convention, in two consecutive Legislatures, submit to the voters an amendment to the constitution.

MR. DUNCAN of Jaffrey. Mr. President, I rise to a point of order. The committee has already offered an amendment to strike that out.

MR. WENTWORTH. Oh, you eliminated that. Well, I am glad to know it, I will accept that point. I am glad to know that my brother has found the error of his ways, in part of his bill, at least, and has struck that out.

MR. DUNCAN. Mr. President, I bowed to the will of the Convention as shown by its vote last Thursday.

MR. LYFORD of Concord. Well, will you bow again?

MR. METCALF of Concord. Mr. President, I am not going to discuss the merits of this question, but I am going to tell you why I am going to vote as I am. I have a right to explain my prospective vote. As has been said, the Democratic party has put into its platform for the last two campaigns an endorsement of the Initiative and Referendum. I stand on the platform of the Democratic party. I ran for moderator down in Ward 7 on that platform, and I haven't any disposition to repudiate it yet. I am for the Initiative and Referendum because the Democratic party of New Hampshire demands it.

Now, something has been said about that issue having been settled. I haven't understood as yet that the Republican party of New Hampshire is opposed to the Initiative and Referendum. They have not dared to say so in any platform, and I don't believe they are opposed to it. I believe that the Republican party of New Hampshire, which claims to be the party of the people, is willing to trust the people of New Hampshire with their own affairs. I think that, irrespective of party, the majority of this Convention will endorse the proposition of the Initiative and Referendum, or, rather, of the Referendum. The Initiative isn't in it—I wish it were. It is a progressive measure. I know that it is true that the primary was so called; but, as I have said before, that didn't work just right, in my opinion, at all times. But I am hoping for better results from the Initiative and Referendum, or, rather, from the Referendum. It is a progressive measure. I believe the people will adopt it if it is submitted to them.

MR. JONES of Lebanon. Will the gentleman permit a question?

MR. METCALF. Yes.

MR. JONES. Now that prohibition and woman suffrage have been enacted into law in New Hampshire, does the gentleman

think that there is much demand among Democrats for the Initiative and Referendum.

MR. METCALF. I have not yet learned, Mr. President, that woman suffrage has been enacted into law in New Hampshire. I wish it were. I told the Democratic party in convention some 20 years ago that it was high time to drop rum and take up the women. Now rum has been dropped, by general court, and the women are being taken up everywhere.

MR. STODDARD of Portsmouth: I came here just the same as Mr. Wentworth did, to keep my mouth shut and vote; but if the Democrats think they are going to reconstruct their party through this Convention they are making a big mistake. The people of New Hampshire tell me that they are about sick of the Democratic party, and we will show them in November where they get off; and they might as well keep still right here, because we are not going to vote their way.

MR. BRENNAN of Peterborough. If that statement comes true it will be the first time the political party of my good friend from Ward 1, Portsmouth, will have shown success in a presidential election in New Hampshire for the past eight years. It is said that hope springs eternal in the human breast and it is unquestionably true that where there is life there is also hope, but if my sanguine friend from Strawberry Bank can extract any comforting ray of hope for the future, under present conditions and with the recollection of the democrats carrying our state for electors in the last two presidential elections he certainly possesses a grade of optimism of such exceptional and unusual quality as may I hope sustain and console him in all the tribulations and perplexities of life, even though it must all end in hope deferred.

On a *viva voce* vote the negative prevailed.

Mr. Lyford of Concord moved that the resolution be indefinitely postponed.

And on that question Mr. Pillsbury of Londonderry demanded the Yeas and Nays.

The requisite number of delegates seconded the demand and the Yeas and Nays were ordered.

## YEAS, 144½

*Rockingham County*—Sanborn, Bartlett of Derry, Bates of Exeter, Stevenson, Hoyt of Newington, Towle of Northwood, Stoddard, Pearson of Stratham.

*Strafford County*—Smart of Dover, Waldron, Cole of Rochester, Gunnison, Snow.

*Belknap County*—Whitney of Barnstead, Smith of Center Harbor, Hale, Plummer, Locke, Beede, Ordway of New Hampton, Wright, Trickey.

*Carroll County*—Chandler, Gibson, Stuart, Dearborn of Effingham, Bennett, Kennett, Blanchard of Moultonborough, Kenison, Hoyt of Sandwich, Schenck, Foote, Meader of Wolfeboro, Pound.

*Merrimack County*—Eastman of Allenstown, Kittredge, Shaw of Chichester, Chase of Ward 3, Concord, George, Lyford, Streeter of Concord, Chase of Ward 5, Concord, Brown of Concord, Doherty, Sturtevant, Quimby, Thompson, Patterson, Bunten, Haynes, Burleigh, Duffy, Towne, Little, Head, Towle of Loudon, Donigan, Bartlett of Pittsfield, Shaw of Salisbury.

*Hillsborough County*—Perkins of Antrim, Hull, Hopkins, Boisvert, Duncan of Hancock, Haslet, Chase of Manchester, Wheeler of Manchester, Wilson of Manchester, Pattee, Spaulding of Manchester, Farrell, Livingston, Cavanaugh, Streeter of Manchester, Chapman, Dow, McElroy, Emerson of Manchester, Eaton, Emerson of Milford, Prescott of Milford, Lamson, Cobleigh, Shaw of Nashua.

*Cheshire County*—Newell, Randall, Damon, Hubbard, Booth, Mower, Wellman of Keene, Rice of Keene, Kingsbury, Mason of Marlborough, Scott, Spaulding of Stoddard, Marton, Carpenter, Clarke of Walpole, Dickinson, Pierce.

*Sullivan County*—Clark of Acworth, Hamlin, Kinney, Davis of Croydon, Whitney of Goshen, Hall of Langdon, Barton, Dame, True, Nichols, Reed, Ball.

*Grafton County*—Tyng  $\frac{1}{2}$ , Pulsifer, Wallace, Schoolcraft, Young of Easton, Gage, Hoyt of Hanover, Butler, Cox, Noyes of Landaff, Jones of Lebanon, Waterman, Pike, Morse of Littleton, Stevens, Morrison, Wentworth of Plymouth, Elliot, Lee of Thornton, Goodwin, Woodbury of Woodstock.

*Coos County*—Curtis of Berlin, Burbank, Annis, Woodward, Evans of Gorham, Evans of Jefferson, Amey, Shurtleff, Johnson of Pittsburg, Watson, Noyes of Stewartstown.

#### NAYS, 80 $\frac{1}{2}$

*Rockingham County*—Tuck, Brown of Deerfield, Angell, Sweeney, Pillsbury of Londonderry, Shaw of North Hampton, Cogan, Fellows, Lovering, Johnson of South Hampton.

*Strafford County*—Pettee.

*Carroll County*—Gale.

*Merrimack County*—Buxton, Belanger of Concord, Metcalf, Dean, Morin, Bates of Pembroke, Pillsbury of Sutton, Pearson of Webster, Wells.

*Hillsborough County*—Fessenden, Smith of Deering, Parker of Goffstown, Hayden, Baker of Hudson, Tarbell, Pillsbury of Manchester, Blanchard of Manchester, Schellenberg, Carroll, Collins, Eagan, Glancy, Gorham, Horan, Magan, McCarty of Ward 5, Manchester, McNulty, Ryan, Patrick J. of Ward 7, Manchester, Flanders, Sullivan, Davis of Manchester, Gingras, McLaughlin, Laberge, Francoeur, Foisie, Winn, Theriault, Brennan, Hurd of Sharon, Frye.

*Cheshire County*—Duncan of Jaffrey, Callahan, Madden, Bullock, King, Whitman.



*Sullivan County*—Parker of Claremont, Walker, Benway, Bailey of Sunapee.

*Grafton County*—Kahler  $\frac{1}{2}$ , Parker of Benton, Keniston, Ayres, Bartlett of Hanover, Morse of Hebron, Bell, Byrne, Lord, Wendell.

*Coos County*—Moffett, Hutchins of Berlin, Gall, Lombard, Aldrich of Dalton, McHugh, Hancock, Curtis of Northumberland, Philbrook of Shelburne, Hutchins of Stratford, Bowker.

PAIRED.

Mr. Keyes of Milford voting yes was paired with Mr. Phelps of New Ipswich voting no.

One hundred and forty-four and one-half votes having been recorded in the affirmative and eighty and one-half votes having been recorded in the negative, the resolution was indefinitely postponed.

On motion of Mr. Buxton of Boscawen, Resolution No. 16, Resolution relating to the Governor's Council, and accompanying reports, were taken from the table.

The question being:

Shall the report of the minority, with the amendment as proposed in the resolution be adopted by the Convention, be substituted for the report of the majority, Resolved, That it is inexpedient that the amendments as proposed in the resolution be adopted by the Convention?

On motion of Mr. Buxton of Boscawen, the resolution was laid on the table and made a special order for Thursday, January 29, at 11.01 o'clock.

NOTICE OF RECONSIDERATION.

Mr. Pike of Lisbon gave notice that on tomorrow or some subsequent day he would move to reconsider the vote whereby the Convention adopted Resolution No. 6, Resolution relating to Pensions.

(Mr. Hoyt of Sandwich in the Chair.)

On motion of Mr. Streeter of Concord, Resolution No. 32, Resolution amending the Bill of Rights by Striking out Article 13, was recalled from the Committee on Bill of Rights and Executive Department.

Mr. Lyford of Concord moved that the resolution be adopted by the Convention.

MR. PILLSBURY of Manchester. I wish to say a word. I am opposed to the taking of that Article out of the Bill of Rights. Since the matter came up here I have received letters from people who felt very deeply on this subject. I admit, to be sure, that it has no effect and has had no effect upon the draft. I presume that in the course of time we may restore something of our militia, and the time may come when the militia and State troops may be called into service, and on such an occasion this matter of conscientious principles might apply.

There are many people in this country, loyal American people, not slackers or cowards, people who have stood by the American principles and the American truths through all the trials that have passed, people who conscientiously believe that it is against their principles and against the teachings of their Master that men should bear arms. Those people should not be subjected to such an impression into service as might be exacted without that exemption in the Bill of Rights. The Government of the United States has adopted and acted upon this matter with due respect to the consciences of those who were truly honest in that matter, and the State of New Hampshire can do no less.

I will admit that one clause does not look right, in the Bill of Rights. Instead of paying an equivalent amount it should be "render equivalent service," and I would like to see it that way. But if it is no matter, if it is no particular pressing matter at all, as the sponsors for the amendment say, I should think that the change should not be submitted to the people at all. Let the people allow the thing to stand as it is; and the man who feels that his conscience is protected by the Bill of Rights, will be secure, and will be free. Let us give every man the liberty of his own conscience in this State.

MR. EMERSON of Milford. Gentlemen, this proposition was introduced by one of my colleagues from Milford, who is too modest to stand on the floor and defend his child. As a member of the selective service during the late unpleasantness with Germany, I want you all to know that this Provision in our Bill of Rights was inoperative during the war. The selection of troops was made by regulations which were adopted by the National Government, and no provision in our Bill of Rights or our Constitution was or could be operative in this matter.

This provision was claimed before Local Board No. 2 in Hillsborough County by a dozen or more alien Finns, who claimed that they were ready, and showed us the money to buy a substitute, under the Bill of Rights of New Hampshire; and they were attended and supported in their contention by a somewhat bright lawyer from a neighboring State. We naturally had to throw their claim out. There was no such provision under the selective service regulations. We asked them in regard to their conscientious objections, and their reply was that, being members of the Socialistic party, a religious organization, whose principles were against war, they couldn't bear arms and couldn't be required to bear arms in the State of New Hampshire.

Now, let us remove that false hope from anybody in the future and let us take this provision out. In any further unpleasantness with Germany, or anybody else that needs a whipping on God's footstool, the National Government will provide the regulations under which the troops will be raised, and any provision we have is inoperative. Let us cut this superfluous thing out of the Bill of Rights and not hold up a false hope.

MR. BRENNAN of Peterborough. As a member of the selective draft board in my district during the World War, I came in contact with these so called conscientious objectors, who did not want to fight, work or pay and I was not in sympathy with the position they took. Let these people reflect that this government, which protects them and which they now enjoy, was established only by the blood and sacrifice of fighting patriots and is today sustained only by those who will give their life, if need be, fighting for its defense. Those men who believe they should not fight even though the country be assailed, but who are entirely willing that their neighbor should do the fighting, are not our kind of Americans and they

should get out of this country and find a place where through abject submission and slavery, fighting may thus be avoided. They are out of place among redblooded men with determination to fight for country and who refuse to purchase peace by a cowardly surrender.

The conscientious objectors who refuse to defend our common country are in no sense true Americans; thank God they form only a small part of our population; the great warp and woof of our population are patriots like those brave boys,—the crusaders of our day,—who offered the supreme sacrifice that all under our flag might be protected in the enjoyment of the heritage, preserved to us by great patriotic sacrifice and which heritage is now entrusted to our sacred keeping. Let these objectors leave this country.

MR. EMERSON of Milford. For the country's good.

MR. BRENNAN. Yes, for the country's good. No man, whoever he is, has a right to say, while enjoying the benefits bought with the blood and sacrifice of others, that when this country is assailed or its life is threatened, "We will do nothing to defend it, but let others fight as it is against our religious principles to either fight or pay for those who do fight."

On a *vive voce* vote the resolution was adopted.

On motion of Mr. Lyford of Concord, Resolution No. 7, Resolution relating to Candidates for Office, and accompanying report, was taken from the table.

The question being on the adoption of the report of the committee, Resolved that it is inexpedient to amend the constitution as proposed in the resolution.

MR. TYNG of Ashland. Mr. President, I want to be very brief in saying what I have to say about this. I think it is pretty clear. But, I want to say also that there is a certain difficulty here in regard to this. There are so many elective officers that to include them all would be embarrassing. What I have in mind are the higher officers, and especially the Governors of the State.

I was looking the other day at the portraits of our Governors, and found that for about 70 years back, they had usually only two years in office. That means that while the office of

Governor is a very important and difficult one, the new man who comes in usually knows little or nothing about the duties of the office and by the time he learns his job and is able to make a good Governor, out he goes to make place for somebody else. I should be perfectly willing, therefore, to accept an amendment restricting this entirely to the Governor, if you think it would be better to limit it in that way. But I lay it before you to be disposed of in any way which you see fit.

On a viva voce vote the resolution of the committee was adopted.

On motion of Mr. Emerson of Milford, Resolved that the role of members as reported by the Committee on Credentials be conclusive as to membership in this Convention.

On motion of Mr. Johnson of Pittsburg, the Convention adjourned at 4.25 o'clock.

#### AFTERNOON.

The Convention met according to adjournment.

On motion of Mr. McElroy of Manchester, the Convention adjourned at 4.27 o'clock.

#### THURSDAY, JANUARY 29, 1920.

The Convention met at eleven o'clock in the forenoon according to adjournment.

Prayer was offered by the Chaplain, Rev. Harold H. Niles.

The reading of the journal of the preceding day having begun,—

On motion of Mr. Callahan of Keene, the rules were so far suspended that the further reading of the journal was dispensed with.

COMMITTEE REPORTS.

Mr. Hale of Laconia, for the Committee on Legislative Department, to whom was referred Resolution No. 33, Resolution relating to Powers of Towns, having considered the same, reported the following resolution:

Resolved, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee was adopted.

Mr. Hale of Laconia, for the Committee on Legislative Department, to whom was referred Resolution No. 35, Resolution relating to Advertising in Public Places, having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to amend the Constitution as proposed in the resolution.

The report was accepted and the resolution of the committee adopted.

On motion of Mr. Snow of Rochester, the following resolution was adopted:

Resolved, That when the Convention finally adjourns to-day it adjourn to meet at the call of the President, or in case of his death or disability, the call of the Governor of the State.

Mr. Hoyt of Hanover moved to reconsider the vote whereby the Convention adopted Resolution No. 6, Resolution in relation to Pensions.

MR. MASON of Keene. Mr. President and Gentlemen of the Convention: I have no reason to oppose this reconsideration on the ground of discourtesy to the mover of the resolution. We were told yesterday that it was courtesy sometimes to have a

motion reconsidered, but it seems to me that this is just as good a time to discuss this resolution as it is to leave it for a further discussion, after the motion to reconsider may have passed.

I oppose this motion to reconsider, and I want to make a brief explanation of this resolution, which has passed by unanimous approval of the committee on Bill of Rights, and by almost the unanimous vote of a large number of the Convention who were present yesterday—more than a quorum, surely—only two or three members voting in the negative.

This resolution, gentlemen, has but one purpose. It is to correct an inconsistency in the Constitution. It is the only resolution which has been presented to this Convention which does that. Every resolution presented so far has advocated a new form or method of procedure. The Constitution, when it was adopted by our forefathers—and I yield to no one in my respect for those people and their wisdom—said that “pensions should be granted.” Get that in mind—“pensions should be granted.” They said, also, “with great caution,” and we agree with them. They said also, “for only a year at a time.” Later in the history of our State the Legislature was changed from an annual to a biennial session. At the time that change was made no change was made in this little phrase, evidently it was overlooked, and the State of New Hampshire stands today, Mr. Chairman and gentlemen, in the unique position of not being able to pass legislation which it wants to pass, as evidenced by the fact that it has passed a bill, which afterwards was declared unconstitutional.

For that reason alone, if for no other, we should amend the Constitution so as to make it consistent. That reason alone is sufficient. But that is not the only reason that we come here asking for this amendment. We come here asking for this amendment because of the need of teachers’ pensions, and that is the ground upon which I advocate this resolution, the ground upon which I introduced it.

Teachers’ pensions have been granted in a large number of States. Roughly stated, I should say that two-thirds of the States of the Union have some form of teachers’ pensions. I object to that word “pension,” but it seems to be the only word we can use. It is really a deferred payment of the amount which is due to those faithful women who have served in the towns and cities of our State for so many years on the pittance

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that we have given them. I do not think there is a man in this house who would vote against this question of giving teachers pensions. It was evident yesterday, when the motion came up, that the sentiment was almost unanimous, and I believe that it will be so today.

Gentlemen, we are not here as a legislative body, as has been stated so many times. If we were here to legislate, if we were here with a pension bill before us, we could argue for all the pensions that might be granted, with a great many arguments. I could argue before you in regard to the pension law which the Legislature passed four years ago, and which worked out splendidly for a year. It passed a bill pensioning teachers for two years; the appropriation was made for two years. Some 20 or 30 teachers in the State, women who had served in the towns faithfully, and were incapacitated for further service, were granted a pittance under that act. The act did not carry very much money. It doesn't require very much money to take care of the few teachers who would be interested and provided for by such legislation. It was a mere pittance as I say, but it took care of them in some way. At the end of a year this act was declared unconstitutional; and we have the pitiful sight of those women, who had resigned their positions to accept that small pension, devoid of any means of subsistence; and, in the case of one instance that I know of a teacher here, in Concord, has to peddle pencils and erasers and things of that from place to place to get her living.

Gentlemen have objected to this pension legislation on the ground that it would open the door to pensions of all kinds. I answer that before it is argued. Pensions laws have been established for teachers in a great many states. I know of no state, I do not believe any gentlemen on this floor can point to any state, where the state has granted pensions to people of other occupations—firemen, policemen, and the like. Firemen and policemen, if they wanted pensions—and I assume that they are interested in this act—would come to the Legislature and ask an enabling act whereby their city might grant them pensions. That is purely a municipal question. If that argument is brought up here in favor of the reconsideration of this question, I want you to get that firmly into your minds—that that matter would not be a State affair. If it was a State affair no one in this house dares to say that the Legislature would grant a State pension to any other set of people except these



women who have given their services and are unable to support themselves at the end of their term of service. You understand that these pensions laws for aged teachers require that they shall teach from 25 to 30 years in the State, and you know that the salaries that have been paid them have rendered it absolutely impossible for them to save enough to take care of themselves in their old age.

Some of the members with whom I have talked have said that we ought to pay teachers enough so that they would not have to have a pension. I agree absolutely with that proposition, gentlemen. But you know as well as I do that it is impossible for the small towns of this State to pay salaries which would enable a teacher to have a living wage, and at the same time to have a thrift wage and to save money enough to take care of herself after her term of service is over. Men engaged in most occupations, after their term of active service is over can do some kind of work. What can a woman, who has been a teacher in the public schools, take up after her time of efficiency has passed?

Gentlemen, these women teachers have been the teachers of your boys and girls, they have been the teachers of you men that sit here. I think that every man that is in this Convention can call to mind some teacher that he sat under, and to whose influence he owes whatever of success in life he may have at the present time, and he would be the last man to vote to say to the teachers of the State that they should not be taken care of in their old age.

I come here, gentlemen, not only as a member of this Convention, but as a representative of the State Teachers Association, the chairman of their committee on this question of pensions—they are looking to you for action, they are looking to you to rectify this inconsistency in the Constitution as it stands today. I do not believe that we want to slap those teachers in the face and say to them that we won't even let the people vote on the question of whether they are willing for the Legislature to take this question up and consider it. Gentlemen, there is a crisis in the teacher supply in this State today. Every man in this Convention comes from a town where there is a shortage of teachers, but you have not reached the peak of the crisis yet. I speak with authority. I have teachers come to me constantly, saying, "Why should I stay in the State of New Hampshire and teach until old age prevents my teaching any

longer, and then not have anything to retire upon, when the neighboring states all around, and especially Massachusetts, just south of us, with its large salaries, are saying to us, "Come here, and we will give you a good salary, and then when you are incapacitated we will give you something to take care of you in your old age?" I speak with authority because those teachers come to me constantly; I know whereof I speak. I know that the men in the cities are going to stand by this resolution, because they need the teachers. The Massachusetts schools, the New Jersey schools, with their high salaries, are taking them away from the cities. If they take them away from the cities you men in the small towns have got to supply the deficiency. The cities are coming to you and taking your teachers away, and God knows where teachers are coming from to supply your schools with teachers for this coming year.

I have calls on my desk at this time for teacher after teacher. I have to answer all in the same way that I do not know where the teachers are, and the crisis is going to be worse next year and the year following than it is at the present time.

MR. BARTON of Newport. Gentlemen of the Convention: I was not present yesterday afternoon when the report of the committee was brought into this Convention and when it was adopted. Upon inquiry I found that many did not understand what that resolution really meant. They stood aghast when they found out the possibilities of that little resolution, so harmless apparently in its wording. The Constitution at present reads as follows: Bill of rights, Article 36: "Economy being a most essential virtue in all states, especially in a young one. No pension should be granted but in consideration of actual services, and such pensions ought to be granted with great caution by the Legislature, and never for more than one year at a time."

Now, they have stricken off "and never for more than one year at a time," and stricken out the little clause "especially in a young one" so that it now reads, "Economy being a most essential virtue in all states—" I don't know why they didn't strike that out—"no pension should be granted but in consideration of actual services, and such pensions ought to be granted with great caution by the Legislature," leaving the whole matter wide open on the subject of pensions.

You know one of the principal reasons for calling the Convention was to see if we could not adopt some measure that

would enable us to devise ways of getting revenue from the people to pay the ever increasing expenditures of government, and one of the first measures which we adopted was the resolutions which would allow the Legislature to make laws taxing incomes and intangibles, and we figured that we were going to get a large sum of money which we actually needed to pay our running expenses.

And, now, at the closing of this Convention, without a voice in dissent, this little bill has slipped through, which will enable a Legislature from time to time to spend all the money that we have been trying to raise for our necessary expenses as they now exist. We have opened a department with greater possibilities for spending money than anything we have on the statute books. That cannot be denied. Everybody wants a pension. They say that this is for teachers. By the way, my friend Mr. Mason says that the real objection to the present Constitution appears in the words "one year at a time." If they will vote to reconsider, I would be glad to remedy the defect with an amendment so that it shall read "two years at a time," and thus correspond with the periods of our legislature. It convenes once in two years, and if we amend the resolution so that the pension may be granted for two years, that is well enough. This would get by the objection which has been raised. I understood Mr. Mason to say that the law at present worked very well except that it did not reach far enough—it covered one year when they wanted to cover two. Now if the amendment is made so that it covers two years we are taken care of, and we do not open up a big opportunity to spend money.

Now, as for the teachers. I have respect for teachers. It so happens that our family is a family of teachers. I taught five or six years myself, and I didn't get very rich out of it. But the question is whether or not this pension program is going to remedy the situation. It does not apply to teachers until they have been 20 or 25 years in service, I am told, when it is really put in the shape of a law. How many teachers do we have who reach that age. The majority of the teachers get through when they are in service for five, ten or fifteen years; and they don't get through because they don't get more money, they get through because they want to get married, which is proper, and rear families. The reason teachers go to Massachusetts is because they get more money while they are working. If you and I could pay money in our towns equal to what they do in Massa-

chusetts, we could keep them for ten or fifteen years the same as they do in Massachusetts, or until they get ready to get married.

Now, the pension doesn't fit in at all. There is no use trying to camouflage this affair, and to put something "across," if that is the right word, by working up sentiment for poor broken-down old school teachers, whom we all have more or less respect for, notwithstanding they probably have trimmed us out some in our younger days. We all are willing to take care of the old school teachers. That is very well. But this little pension proposition does not help you and me at the present time to supply teachers in Newport and other towns in Sullivan County, nor in any other town in the State of New Hampshire.

I do not think it is fair to work that proposition. You are not going to get any more teachers to stay in New Hampshire, with the pension they may get at the far-off distant 25 or 30 years, than you are as it is today. They are not in the service for that prospect. Raise money enough in New Hampshire to pay your teachers now and you will keep your teachers.

Furthermore, you do not want old teachers, except in exceptional cases. Scholars do not like old teachers. From the time they begin, along 18, 19 or 20 years of age, until they are 30 or 35, when they are sort of attractive, and have a care for little children and have the ways of little children about them, or those of the older children, and the youth, is when they are in demand. But the proposed pension does not affect this class. What we want to do is to pay our teachers now and then they will stay with us. I hear it said that this is a very strong argument for the pension, that if you pay your teachers now that there is need for a pension when they are 25 years in service. I cannot connect that.

Here is another thing. We are told that really all it is for is the teachers, and some cannot understand why there is any particular danger of other organizations coming in. I spoke to a very good friend of mine here a few moments ago about the matter, and I said, "Do you favor that measure?" He said, "I rather think so." I said, "Well, why?" "Well," he said, "I think the firemen ought to have a chance to be pensioned." Well, evidently the firemen are interested.

Well, now, in Sullivan County we have four towns, I think, that have fire departments. We have got fifteen towns in the county, that is, eleven towns that you want to tax to help pay

for firemen that never did them any service at all. You will find the same situation in all the other counties, in a large number of towns.

The same thing is true with respect to policemen. The same thing is true with respect to the sheriffs, your register of deeds, your register of probate, your judges of Probate, your judges of the Superior Court, your judges of the Supreme Court—all state officials, all coming in on this drive.

Now, this cannot be avoided. If the towns and cities want to get permission to pension their own folks they can go ahead and do it without amending the Constitution of the State so that the State can grant pensions. This is a proposition to allow the State of New Hampshire to grant pensions. Now, they needn't tell me that you have got to have that done in order to let the city of Manchester give pensions to its policemen. I tell you there is a great big hole here. The way this thing would be worked through practically we know, having been around the Legislature more or less. You say you must leave it all to the Legislature. We might just as well tear up the Constitution. There are a whole lot of things we don't want to leave to legislation. We don't want to have a people's lobby here every two years to protect the people against this sort of legislation. Those who want to get the thing through will be here, and you will have policemen lined up, and they will say to the firemen, "You help us and we will help you." Then you will come to this big educational board, and I guess that is pretty near big enough to go alone—and say, "You help us and we will help you." And you will have an interlocking bunch of fellows here that scatter pensions from Coos to the sea, and when it is once on us it is "Good night." At this time, with mounting expenses on every hand, and when we are trying the best we can to keep our heads above water and to swim, I say it is a crime to open up our armor in this fashion, and allow them to get at our vitals. I oppose it. I hope we shall give a chance to the people to reconsider this and vote it down, and then, if you give us a chance to reconsider, I will be very glad to make a motion to allow pensions to be granted for two years, which covers all the trouble which my friend Mr. Mason is in.

MR. CAVANAUGH of Manchester. Mr. President and Gentlemen of the Convention: Ordinarily I would be the last to oppose a reconsideration of a vote passed in this body, but I shall object to the motion made at the present time for two reasons. One is

because of the ground on which the motion is based. It would appear, Mr. President and gentlemen, that we are asked to permit a reconsideration of this vote because of some alleged sharp practise here yesterday; it would seem that somebody is charged with "putting something over," as the expression is used, on an unsuspecting body of men in this Convention. I submit, gentlemen, that due and proper notice was given during the morning session yesterday that at the beginning of the afternoon session at two o'clock—and we all know that that is not calendar time but our time—this matter would be taken up and discussed. Now, I do not think I reached this State House until well after two o'clock, the Convention had not been called to order, and I don't know just what time it was, but probably about half past two, when the chairman called the meeting to order and the proposition was taken up.

I think it comes with very poor grace from any member of this Convention who voted or had knowledge that we had adjourned to meet at two o'clock, when we actually met at about half past two, to come here and say that because he was not in his seat an injustice had been done to him. I also want to state that there are quite a few empty seats here this morning, there are quite a few of our members not present; and if this motion shall be allowed to go on the ground of courtesy, what is to prevent our staying here until tomorrow, or even until next week, so as to give to some gentlemen who voted for this proposition yesterday and are absent today an opportunity to come here, after today, and have the matter taken up again? So much for the apparent reason given for the reconsideration.

Now, on the merits of the question itself I want to say just a few words. I had wondered what reason actuated my friend from Newport (Mr. Barton) in taking the position he has taken in this resolution, and it appears to be that a raid is going to be made upon our State treasury. Now, he may be perfectly correct and I or any other man in this State who happens to practise law for a living may be absolutely wrong in our judgment, but, as I have always understood it, Mr. President and gentlemen of the Convention, a Legislature of this State has no business, or cannot under this amendment have any business, voting out of the treasury of the State of New Hampshire one dollar to pay a policeman of the city of Manchester, or any other city or town, for a pension, or to a fireman of any city or town in this State in the way of a pension. It is probably true

that they have the right to appropriate, or would have under this proposed amendment the right today to appropriate, from the State treasury, money for one year at a time, to provide a pension for a school teacher, because the school department of our State is entirely under the direction now of the duly constituted State authority. It is different with our cities and towns. We are not asked here to make any change whatever in our Constitution except one change of permitting the city or the town, if it wishes, to appropriate from its own treasury money to compensate the firemen who have been in service a specified length of time or have become physically disabled by reason of injuries received in the line of his duty from earning a living. The same for the policemen and certain other classes. I am speaking now, of course, of the city to which I belong.

The same thing applies to every other city and town in the State.

The gentleman from Newport has said, if I understood him correctly, that there are four towns in Sullivan County which have fire departments, and that if in any one or more of those four towns a fireman should be put on the pension list the other eleven towns of the county of Sullivan must contribute some share of the money which is paid to him. Now, I do not think that statement is legally correct. We have always understood that the city or town appropriating that money must absolutely pay it out of its own treasury.

We have been acting in the city of Manchester under the present pension law, and for the purpose of informing myself as well as I could so as to act intelligently upon this matter, and to learn whether or not any great raid has yet been made upon our city treasury, I called the other day upon a gentleman whose name stands for a good deal, that is, the efficient chief of our police department, Chief Healy; I went to Chief Healy for information as to how the pension proposition has worked out in his department, and what his opinion was of this matter. He told me he was very much in favor of removing the limitation or restriction of granting pensions for not more than one year at a time. I asked him how many men they had on the list. He said one. He was a faithful old servant down there—I shall not mention his name because it would be too personal—but I know that every gentleman in this body, if he knew him as I know him, would certainly be an advocate of pensions for policemen in his particular case. I do not know so much about the

figures for our fire department, but Mr. Mason has said he is acting for a committee of school teachers, which is entirely proper. I know our firemen in Manchester are represented, which is entirely proper, by a committee which has to do generally with looking after the interests of firemen. It happened that one of those gentlemen spoke to me Tuesday of this week about the situation this resolution was in at that time. It was then on the table. I told him I thought there would be no objection whatever in this body. I found out when I got here, later that there was objection. Wednesday I tried to find this young man to tell him there was objection, but I got the information that he was at home, somewhat seriously injured. You may have read about our three-alarm fire in the city of Manchester last Tuesday night. It happened that this good fireman in the performance of his duty at the fire, attempting, with the other firemen, and succeeding with them in doing a very good piece of work in the city of Manchester, was injured. He is at his home. I do not know how seriously he is injured. I hope not so seriously as to oblige him to become an applicant for a pension, but I merely mention that point, that at any time our firemen are apt to get in that situation.

A suggestion has been made to the committee which considered this question—and I want to say that the proposition was somewhat similar to the one made by the gentlemen from Newport (Mr. Barton), but I guess he would object to the second part of it. It was that the restriction be changed from one year to two years, and that the teachers alone be excluded from that limitation. I am not speaking for Brother Barton, but possibly he might object to the school teachers being given that consideration. I took this position then, I take it now, and I think our committee took it unanimously, that it would be a ludicrous proposition to put in the Constitution of the State of New Hampshire a pension proposition which would state in words that one or more classes of public employees or servants are the beneficiaries of the proposed pension. I felt that those who had the interests of the school teachers at heart with regard to pensions—and I certainly have, I hope they get the benefit of this—felt that a fairer expression of opinion of the State of New Hampshire upon this would be given if the resolution went before the people as it is now before the Convention; that is, general in its terms. It is not, in my opinion, opening up any opportunity for a raid upon the treasury of the State. It is



not advancing any revolutionary proposition in the conduct of the affairs of our State. It is simply leaving the law as it has been since the State was established, that is, that pensions may be granted. They have been granted, but there is the unfortunate limitation of one year at a time, which leaves the beneficiary of the pension now in the very unenviable position, in any municipality or town, of being obliged each year to renew his claim for the pension. It may be that a different set of officials would be in next year from this year. It might be that his claim might not be so properly considered. In any event, I believe he should not be obliged to run the gauntlet every year. If he or she can establish his or her right to the pension by reason in a given case, of long service, or actual disability incurred, in the case of certain employees, I believe that the city or town, or, in the one case of the teachers, the State, should be permitted to handle that question once for all time. I trust, because this appears to be the last day of our meeting here, and because if we grant this usual courtesy today we should give an opportunity next week to somebody else, that this motion to reconsider will be considered as the merits of the proposition would be considered, and be voted down.

MR. HOYT of Sandwich. Gentlemen of the Convention: I want just a moment of your time to answer one line of argument that was presented by the gentleman from Keene (Mr. Mason) who seems to think that nothing but teachers would get pensions. He says that in 1915 a law was passed granting pensions to teachers, which was declared later unconstitutional. I want to tell you something of how that bill got through the House. I happened to be a member of that House. That bill was reported by a committee back to the House in the closing hours of the House, without any recommendation. It came up as the last act, coming before that House, I repeat, without recommendation. A gentleman discussed the matter, in favor of the bill. I attempted, as president of the Farmers Council, where the measure had been discussed freely, to oppose it. Other gentlemen attempted to oppose it. We were not allowed to say a word. So much noise was created, so much commotion in the House, that not a word was heard. No one was allowed to argue in opposition to it. Even when the Speaker of the House stated the motion you couldn't understand it when they voted upon it. It was passed through the House in that manner, it was forced through the House.

Now, I contend that if we open this door wide for pensions that any of our friends with a pull and even the members of this body, can come before the House in the closing hours, perhaps, and get a pension. I refer to the bank commissioner, I refer to the ex-state historian, I refer to the janitor of this building, or any other worthy person working for the State. If we open wide this door I believe it will be dangerous, knowing how that bill was forced through the House granting pensions to teachers in 1915, and I certainly hope that this motion to reconsider will prevail.

Now, one word with regard to the gentleman who has just preceded me (Mr. Cavanaugh.) He states that in the town of Manchester they have pensioned a policeman. I also understand they have pensioned two firemen, but I have not learned yet that they have pensioned a *single* teacher.

MR. PILLSBURY of Londonderry. I want to take a minute of the time of this Convention because I believe this is an important question. The whole trend of business in this country in industry is in favor of pensioning the old and feeble who have rendered good service. In your great steel industry, in your railroad industry, they have found it worked in the interest of those industries to be able to let men step from the active positions they have been occupying, when injured or infirm from old age, and receive a reasonable pension. The State of New Hampshire should keep step with the times, should keep step with the trend of the industries, because the States should be, in my opinion, as progressive as are individual industries.

I am surprised that a man with the public spirit of my friend Barton should stand here and declaim against a worthy citizen, either as a policeman or a fireman, who guard our lives and our property, if injured in the service, receiving just compensation to keep them out of the poorhouse in their old age. It is not a fair proposition that men who have been good public servants should not receive proper compensation if disabled in that service.

Look at the newspapers the last two weeks, and see what happened to Clancy, a young policeman defending the Commonwealth of Massachusetts, four times cited for bravery in the defense of the Government on the other side. That man, defending the good name of the Commonwealth of Massachusetts, deserves a pension, or his wife and child deserve a pension, just as much as though he had fallen on the fields of France

I tell you, gentlemen, when you come here and deny the people the right of participation in those great demands that humanity is making throughout the world today, you are taking a step backward, and I do not want to be ashamed of New Hampshire in the future, for we have not had to apologize for her in the past.

MR. FRANK U. BELL of Lebanon. Mr. President and Gentlemen: I am the treasurer of a manufacturing concern employing principally women; I am also a member of the school board of my town. I state this fact because possibly it gives me a point of view of both sides of this discussion that some of you may not get. When I became a member of our school board we had numerous complaints regarding the difficulty of obtaining teachers. I began to investigate it from a business man's point of view. I averaged the wages of the seventy women working for me. I then averaged the wages of the women teachers in our town. The result showed me that the girls in my shop were earning almost 20 per cent more than the teachers in our schools.

In our industry we also insure the lives of all of our operatives. In some of the other factories they give them sick benefits, and a great many inducements that our teachers do not have: as a member of the school board, I did not know how to meet this competition. I do not know why these teachers should not go into the industrial establishments; and, as Mr. Pillsbury has told you, the trend in industrial work all through our country is in view of the present shortage of help to offer these various inducements; and if we are to keep our teachers we certainly have got to compete with the inducements offered by the industrial establishments.

In conversation the other day with President Hopkins of Dartmouth College, he told me that the colleges were feeling this same competition, and we certainly are feeling it in our schools. In our business, when we see such a condition approaching us we try to make arrangements that will allow us to meet it successfully; and it seems to me that in the State of New Hampshire, with the class of men that we send to our Legislature, can trust them to grant pensions only when wise and advisable.

MR. WELLMAN of New London. I wish to take this opportunity to deny the allegation of the gentleman from Newport (Mr. Barton) that the teachers are not leaving the profession because

of considerations of remuneration. I state this upon the basis of personal experience in my own supervisory Union, a more or less large acquaintance with the situation in the State, and somewhat upon the basis of a questionnaire that is being circulated by the State Board of Education to find out just the facts of the case, which facts will be presented later for your consideration.

I know that the teachers are leaving the profession because they are not adequately paid. In a recent communication a noted educator of the State of Maine made the following statement. "Teaching," he said, "is not a profession now, it is a procession." By that he meant that the remuneration of teachers is so poor compared with other professions that the teachers were constantly changing, becoming teachers for a little while and then going out to find something else to do which paid better wages, so that there is today a continual procession in this field of activity.

After I left this hall yesterday afternoon I filled one vacancy in my Union. That, I will grant you, was occasioned because one of the teachers married; but I know that in the twelve other vacancies I have filled since the 15th day of last August not one vacancy, other than this one, was occasioned because of that reason.

There is just one class of employees that will ask for pensions of the Legislature of this State if this amendment passes. That class is composed of those who are not affiliated with the American Federation of Labor: and I am proud of the fact that the teachers of this State, under the splendid leadership of the State Board of Education, and the fine gentlemen whom they have selected to supervise the field of education in this State, are trying to raise the standard of the profession. We teachers do not want to be classified as members of a trade: we are proud of our profession, and want to keep it upon a high professional scale. We do not propose to affiliate with the American Federation of Labor. If the teachers of this State next month should get together and form a teachers' union and declare a strike, consider for a moment the jeopardy of the States interests, the highest interests—your interests, gentlemen. We want to do everything in our power to make such a contingency impossible.

I wish to submit that if the amendment as proposed, as has been passed, goes before the people for their ratification, it will

receive their ratification because there is a sufficient provision remaining in the Constitution to guard against any possibility of radical legislation. The gentleman from Sandwich, Mr. Hoyt, made an excellent speech a moment ago in favor of the referendum. I wish he had followed me yesterday. The article states that no pensions should be granted "but in consideration of actual services." I submit, gentlemen, that that is a fair basis for the award of pensions, whether you include teachers, firemen or policemen, or any class of employees, not affiliated with the American Federation of Labor; and those so affiliated do not have to come before you to ask for adequate remuneration—they know how to get it.

Secondly, there is a still further restriction, "and such pensions ought to be granted with great caution by the Legislature." Does any gentleman attempt to stand here and argue that the Legislature will award pensions without great caution? If such acts should be in the future we have a Supreme Court to guard that gate. I wish to say, gentlemen, that the bulwark of our liberties is involved in this piece of legislation before us. The public school situation today is alarming. My brother from Keene, brother Mason, has already told you about this. We have for weeks been discussing at our institutes and teachers associations the question how to increase our supply of teachers. In every instance we have come upon adequate remuneration, but that does not mean alone financial consideration. The teachers of this State require, first of all, a living wage; secondly, an opportunity for professional progress; and, thirdly, an opportunity for insurance.

The teachers of the State do not come before this House and solicit any gratuity. We are not asking for charity. We simply want to make it possible that the Legislature may enact a law providing for teachers' pensions, which shall be made upon an assurance basis, something that will be permanent, not annual or biennial.

A few years ago an appropriation was passed by the Legislature granting for two years teachers' pensions. I had an application for a teacher to come to Colby Academy to teach on that staff. She said she had an excellent offer of a position in Massachusetts, but she had taught all her life in New Hampshire and she wanted to qualify for the teachers' pension. She came. She taught there three years. The teachers' pension

law fell flat, as has been described, and she is now out of the profession.

A living wage we ask for. There are 35 teachers in my Union. There are three who are not giving full time. The others are receiving less than \$16.50 per week, for 36 weeks, or about \$600 for the year. They pay an average of \$7 per week for board, or about \$364, leaving \$136 for clothing, travel, books, magazines, study, insurance, thrift, etc. One complete set of clothing for a man or woman will take up more than half of that residue.

Secondly, we desire professional progress. It is necessary to have better teaching in this State, and no one realizes that any more than the members of the teaching profession. If we can have an opportunity not only for adequate remuneration now, something beyond a living wage, but the insurance which would be granted under this privilege, looking forward to the time when we shall conclude our labors, we shall feel a greater satisfaction in spending a little of the money that may be left for professional progress.

A teacher's professional life probably in this State at the longest is not over 40 years, beginning to teach at 20 years of age and concluding their labors at 60 years of age. Then what? Why, the scrap heap, of course.

Gentlemen of this Convention, you won't stand for that, will you? Look back over the years. Brush out the cobwebs from the chamber of memory and think of that sainted character who first directed your feet into proper paths. Think of the energy, the consecration, the high moral uplift, the devotion to duty, the loving patience, of those sainted women who toiled on year after year undaunted, misunderstood, often maligned, ostracised from the best society, and yet who realized that

"The dearest affection the heart can hold  
Is the honest love of a nine-year-old."

The social standing of the teacher needs to be improved. The pride of achievement is high among the teachers of our State, and we need to keep it high. Dignity is another matter that is receiving further consideration by the teachers. Dignify our profession. The teacher is the big personality in the town. We want to make her feel that she is recognized as such. Give her recognition, visit her school, invite the teacher to your home,

treat her as a member of society worthy of your favor. Give her continuous employment.

I wish I had time to call to your attention the splendid constructive piece of work that has been planned by our Commissioner of Education, Mr. Butterfield, making it possible for teachers to request continuous employment the year round; but I have not the time more than simply to say something in corroboration of what the gentleman who preceded me has just said concerning commercial opportunities. In the town where I am at present residing commercial opportunities are so great that they present inducements which the teachers are unable to resist. A few years ago there was a girl who left the third grade in the primary school, mentally deficient, unable to keep up with the rest. She went into the mill. The teacher who was her instructor is now receiving a munificent wage of \$20 per week. The teacher told me the other day that this mentally deficient girl, who had to leave school at the age of 16, having completed the third grade, was getting between \$25 and \$30 per week.

There are other emoluments rather than those that are financial. The weaver's shuttle goes back and forth, day after day, and the humdrum of it is oppressive to one who is educated. She goes, she takes her place in another sphere; her work endures but for a day; but the teacher's work endures for all time. She is erecting that spiritual temple, that "building not made with hands, eternal in the heavens," and she is ever mindful of the poet's admonition:

"So build it well whate'er ye do,  
Build it strong and straight and true,  
Build it high and clean and broad,  
Build it for the eye of God."

And so, gentlemen, she asks for no gratuity, no charity, only an elevation to a respectable plane of decent living and culture. Give her the opportunity of self-improvement, give her the opportunity to go about the streets with head up, feeling that she is an honorable member of society, who, by laying aside a few dollars each month, will make it possible that when she lays down the burden of her toil at the age of sixty she shall have the small competence that will take care of her for the remainder of her life; that she is not an object of charity, but that she has earned that which is hers, and hers of right.

MR. STODDARD of Portsmouth. Yes, I came here to keep still and listen, but I give up finally. I am rather surprised at the Teachers Association of New Hampshire coming in here thinking this Convention is going to ratify a pension law. That is practically what they seem to think. If they want to kill it they want to put it up to the people at the next election. From what I can hear round New Hampshire, there is plenty of politics, and plenty of business and plenty of troubles to attend to without having this added on to our ticket next fall; and I, like Mr. Barton, should vote to reconsider. I do not think that it is any time to monkey with the New Hampshire Constitution very much. The less we bother it the better off it will be for American principles.

MR. LEE of Concord. Mr. President, members of the Convention: The gentleman from Sandwich, Mr. Hoyt, said that in the year 1915, when he was a member of the Legislature, there was so much noise and confusion that hardly any one heard the resolution that was put through in regard to pensions. Now, I happened to have the pleasure of being a member of that Legislature, and I will have to admit I heard it, and heard it very plainly:

"I am not a person who believes a great deal in pensions, but I really think that lots of times there are worthy and deserving cases. The gentleman from Manchester, Mr. Cavanaugh, cited a case which I think ought to bear down in every one of your hearts. But I will not go to Massachusetts. I will quote a case right here in Concord, and I think every member here in Concord will bear me out.

We had a certain school teacher here in the city of Concord; she is still living. She was a faithful lady, one of our old, worthy, substantial citizens. I happened to have the pleasure to go to school to her. Now, Mr. President and members of this Convention, if there had been a law passed ten or twelve years ago where that poor woman could be pensioned, instead of going around to my door and every man's door in the city of Concord, asking them to buy a few little beads, pins, or some other little things which she peddled in her bag—do you suppose, Mr. President, that there is in Concord, in our city government, a man but what would grant that worthy woman her pension? What is the result? The result is that the old lady today has become so infirm and feeble that she had to give up her game of toll,



and today, I am sorry to say, she is passing her last days in life in our Merrimack County farm.

Gentlemen, are you going to stand back on such a little thing as this pension, where it is left to every city and town to say whether they are going to have it or not? It doesn't affect you, it doesn't affect me at all, unless it happens in the city we are born in or pay taxes in. I tell you, members of this Convention, take it home to yourselves, and see for yourselves, in a case of anything that is worthy and is right, it is nothing more than just to pension those people after they have given their good service in our school system, in our fire department and in our police department.

And here are your school teachers, educating your children, my children, and all the children of the different districts of our State; and when they get feeble and infirm, like the one I have just mentioned to you, do you want to repay them? Do you want to say, "Here, we have had enough of you, go to the County farm to spend the last days of your life?" No, Mr. President, I don't think you do. I think you all are human. I think you are like myself, you want justice done where justice belongs. And in any worthy case I say it is nothing more than your duty and my duty to see that justice is given to those people where it is needed. I have confidence enough in any city or town or community to see that justice is given honestly to all these people, no matter who they are, who have served our city and State faithfully. Why, there isn't a Legislature that comes here any two years but what there are different things come up to increase the salaries of the County officials. Here in this last Legislature we had a bill to increase the salary of the County solicitor of Grafton County. That is left to the county itself. No one suffers except the people in that county. If they are willing to do it why shouldn't we be willing to do it? As members of this Convention let us go on record and say that we are willing to leave this resolution to the people of this state, which takes a two-thirds vote, and see if they are willing to ratify our judgment in regard to this resolution. Mr. President, I thank you.

MR. GLANCY of Manchester. In reply to the gentleman from Sandwich, Mr. Hoyt, who seems to think that the city of Manchester is not interested in teachers' pensions, and for the benefit and information of the Convention, I should like to say that the

only reason that the city of Manchester has not granted pensions to its teachers is that it cannot do it adequately and decently because of the prohibition in the article of the Constitution which limits our appreciation in the form that we might present it to our teachers. At the last meeting of the school board the matter of pension to the teachers of the city of Manchester came up, and after thorough investigation we found that if a bill was to be passed by the Legislature that only three applications for such pensions might be brought forward in the next five or six years. There was one particular case that we should like to have attended to immediately, if we could. We have no other way of properly taking care of that case. I say that after an exhaustive investigation of the matter the only proper way to do that would be by granting a pension to this particular teacher.

Now, the school committee of the city of Manchester, and the citizens of the city of Manchester, are behind this pension movement. I have been appointed a committee of one from the school board to follow up this matter, and do everything I possibly can to bring about, through the next Legislature, a pension bill which will take care of worthy cases. There is going to be no sluice opened up whereby the treasury of the State of New Hampshire, or the treasury of the city of Manchester, is going to be mulcted for money for undeserving cases. As I said, there will simply be these three cases, one case in particular within the next two or three years.

I would like to say to you gentlemen that figures have been brought to my attention, after the vote taken in 1912 submitting this matter to the people, showing that nearly the majority of two-thirds was voted in favor on almost the identical measure to this one. It seems to me, gentlemen, that you ought to at least give the citizens of this State or any town in this State the opportunity of doing what they properly can see to be the right thing to do at the proper time. There is not going to be any abuse of this privilege. It does not mean licence. The cities and towns of this State, many of them, want the privilege of recognizing properly the teaching profession. I hope that the motion to reconsider will be killed.

MR. STREETER of Concord. Mr. President, I rise not so much to discuss the details of the question, but to ask you if you are not willing to let the people say whether the Legislature shall have power to grant pensions in worthy cases? I have a message

that I want you gentlemen to carry home with you, to your local school boards, and to the people in the rural towns of the State, and it is a very serious message. The State Board has undertaken to tell everybody, by the widest publicity, that we cannot accomplish what is expected unless we have the widest and most sympathetic coöperation of all the school boards, and not only of the boards, but the prominent men and women in the town. We have got to have coöperation, and if we succeed you have got to coöperate.

Now, the serious question which is confronting us is with reference to the obtaining teachers. I hesitate to speak at length upon that question because we have not got all our facts. We know that a crisis is impending, and we also are sure that by the time the next Legislature gets here, next January, there will be the most critical period in the State's history that it has seen in the last 25 years; for some of us who have been devoting ourselves to this question in regard to the situation confronting us as a State know that it is a greater menace than confronted the State five years ago, in 1914.

Just briefly, we are making a survey of the teaching power of the State, and what my mind has been specially aroused about is the condition of the rural towns in the State. We have 788 teachers in mixed schools. "Mixed schools" means one room, unclassified schools, in the rural towns. Four of those teachers are receiving less than \$300 a year; 34 are receiving between \$300 and \$400; 153 are receiving between \$400 and \$500; 415 between \$500 and \$600; 145 between \$600 and \$700; and the average wage being paid to those teachers this current year is \$532.40.

Now, we want to get it into the minds of our people, and especially in our rural towns, that either more money has got to be paid to teachers and better living conditions given to them, or you are going to be deprived of your educational facilities in those towns. My friend, Mr. Hoyt of Sandwich, has spoken here. It happens that the State Board is making an investigation of typical towns, and it just happens that Sandwich, from which he comes, is one of the typical towns that we are in process of examining the conditions therein. If I remember right, and I think I do, there are 116 pupils in the town of Sandwich. They are scattered all over the town. There were eight districts, either eight or nine, I don't remember which. Two of those have been

given up, and the 116 pupils are in six, I think—is it six or seven, Mr. Hoyt?

MR. HOYT. Seven.

MR. STREETER. In seven schoolhouses, scattered all over that town; and as to the teachers of the town, without going into personalities, it is reported that several of the seven teachers are inexperienced and not well trained teachers. Now, what is the gentleman from Sandwich going to do to take care of the education of those 116 pupils, as it happens, in that town?

There is another question that is coming right before you, gentlemen, and before us all, and before our people of the State. What is the State going to do, what should the State do with reference to a town like Sandwich? And I am only taking Sandwich as a typical town. We are in a process of evolution here. The State Board, the members of the State Board, are trying to exercise a vision, to use a vision for the future. We cannot do that any better than a lot of the prominent thinking men of the State can do it. But it is a question which has got to be dealt with by the men of the State who think, and especially, so far as the rural towns are concerned by the prominent men in those towns. And we have already arranged, having made an examination of the typical towns, and taking the conditions and the problems together, to call in, not only the chairman of the local boards, but some men of prominence in the town and Mr. Hoyt from Sandwich will be one of them, to sit down with us, and say, "Here is your problem in Sandwich and a lot of other towns of which it is a type."

Now, what is the best way in which either the town, or the State acting in coöperation with the town, can take care of the pupils in that town? Of course that is typical. There are very likely 80 or 90 or 100 more towns standing in the same position. If this State Board can accomplish anything it can make this investigation, it can ascertain just what the conditions are, in coöperation with the authorities, the local authorities, in the towns. And we shall be glad at the next session of the Legislature to lay the whole problem of the education in the State, especially as regards taking care of the rural towns, before the Legislature for their action. And if anybody thinks that the members of the State Board will undertake to exercise any great

influence to keep themselves in office, in their present positions, you might dismiss that from your minds.

There is only one more matter I wish to speak of, that is that I wish you gentlemen who represent your towns, when you go home would talk with other prominent men of your town, talk with your school boards, tell them that you are satisfied, because I know you must be—you know the State Board is not speaking to you out of indifference, you know we must be right in our fear and in our anxiety for the immediate future—tell your school boards what the situation is, as you believe it, and that it is for them, and your prominent citizens in your own towns to consider your problems in your towns, and be ready to come forward, not only with the State Board, to sit down and help them determine the matter, but also to be ready to help advise with the next Legislature as to what shall be the general position. All I ask, all the State Board asks, is that you shall give the Legislature freedom to consider the matter and take such action as may to it seem wise with reference to this great problem, this immense problem, which so vitally affects every town in this State, and I believe so vitally affects the State itself.

MR. BARTON of Newport. I just want to consume about three or four minutes, to say that I have evidently been misunderstood by the gentleman from New London, Mr. Wellman, when he says that I represent that there is not difficulty in keeping teachers. I have not said that the teachers were not leaving the profession because they were not adequately paid; that is just the reason they are leaving the profession, because they are not adequately paid. That is one thing that we can bear in mind, and when you have said it you might just as well dismiss the whole matter. The teachers today are up against conditions in our industries. The girl in the school is getting \$10, \$15 or \$20 a week, and the girl that doesn't know hardly anything is getting \$40 to \$45 in the factory.

Now, that is the condition you are up against. The only way you can keep the girl in the school teaching is to pay her more money. That is for you and me to attend to in our own community. That is not on the subject of pensions, has nothing to do with it whatever.

Here is a little suggestion I had in mind. You know we have been making big drives in our churches, in the Methodist church, the Baptist church, the Episcopalian church—I guess all of them

have been making big drives for millions of funds to take care of the men, the faithful workers of the church, after they have gotten too old to work. We have subscribed, I guess, in our church, something around \$15,000,000; I am a Methodist; I think it is about \$15,000,000. Now, here would be a grand chance for the good people of New Hampshire, and the monied people of New Hampshire, and let this big teachers' organization get back of it, to make a big drive for a million dollars in New Hampshire, Invest it, and let that fund go to take care of those teachers. When this is done you have something permanent, and will eliminate this matter of pensions. I think this would be a splendid thing.

I say, if we vote to reconsider this thing I will then move to amend by making this pension matter cover two years, and then we can go right on easy street, and anybody that needs a pension is taken care of. Anybody that wants a pension, and is entitled to one, certainly can ask for it once in two years. I think that is no hardship.

Mr. Tobey of Temple moved that the Convention take a recess for one hour.

Mr Tobey of Temple withdrew his motion.

Mr. Mason of Keene moved the previous question.

The question being:

Shall the main question now be put?

On a viva voce vote the previous question was ordered.

The question being on the motion of Mr. Hoyt of Hanover to reconsider the vote whereby the Convention adopted Resolution No. 6, Resolution in relations to Pensions.

On that motion Mr. Lyford of Concord called for a division.

A division having been taken, and fifty-eight gentlemen having voted in the affirmative and one hundred and ninety-six gentlemen having voted in the negative, the motion to reconsider was not adopted.

Mr. Lyford of Concord called for the special order, the same being Resolution No. 16. Resolution relating to the Governor's Council.

The question being,

Shall the report of the minority, that the resolution be adopted by the Convention, be substituted for that of the majority, Resolved, That it is inexpedient to adopt the amendments as proposed in the resolution.

MR. METCALF of Concord. Mr. President and Gentlemen, this is no laughing matter.

THE PRESIDENT. Gentlemen, please observe order while the gentleman from Concord is speaking.

MR. METCALF. It is against my feelings to take the floor at this time, when you are all hungry and tired. It would be bad enough at some other time. But as long as this particular matter, this amendment providing for submitting to the people the question of abolishing the Governor's council, is the last of my convention offspring, I think that I must say a word at the obsequies.

I was in favor of several propositions in the interests of the people of New Hampshire. I wanted to see constitutional conventions abolished, so that we should not go through the farce we have been going through here, and have a hundred members, who have never come here, come in and draw their pay just the same. That is the result every time we have a Constitutional Convention. I wanted to have representation cut down, which could only be effected by presenting to the people a reasonable measure, which we have not done, with all due respect to the gentleman from Ward 4 (Mr. Lyford).

And now I want to abolish the council; not that I have any feelings of disrespect to members of the present council, or any member of it present in this Convention, or several members of past councils, present in this Convention. They are all good men, and undoubtedly if we continue the council we will have good men in that body. But such a body is absolutely useless. It meets no good purpose. Every Governor in this state now living is aware that a council is nothing but a drag and an encumbrance. Time was undoubtedly when committees of the council were of some use in supervising State institutions, and did some good in that direction, but we have now a board of

trustees of public institutions who look after those things, and the councillors are no good in reference to that matter. They can do nothing but advise the Governor in the matter of appointments, or oppose him in the matter of appointments, and nearly every Governor that we have had in my day, and that is quite a day, has had trouble with his council in the matter of appointments.

As I have said, if we could have a referendum of the ex-Governors of New Hampshire they would vote unanimously against the continuance of this affair we call an executive council. I know, as I have said in past times in this Convention, that there is a burning thirst for office in the hearts of a great portion of the people, and undoubtedly there are men in this body, and men outside this body, who at some time hope to hold the honorable office of a member of the Governor's council. Those men, in the Convention and out of it, if it ever goes beyond, will vote against the proposition to abolish it.

Then, another thing, it may be useful as a sort of gubernatorial kindergarten. I believe it is serving that purpose today, but I do not think it is necessary for the people to continue it for that purpose. The Democratic platform—I have alluded to that before—the Democratic platform of 1916 says, "We are in favor of abolishing the Governor's council, or of submitting an amendment which will provide for its abolition."

Now, gentlemen, do not get it into your heads that it is absolutely necessary to oppose anything proposed by the Democratic platform. It is not absolutely necessary, because the Democrats may sometime provide for, or declare for that which is right and just and proper. I wish to call your attention to the fact that the last Democratic platform, or that of 1916, to which I refer, declared in favor of an amendment to the Constitution, allowing the Governor to veto separate items in an appropriation bill. That was in the Democratic platform, never appeared in any Republican platform to my knowledge, and this Convention has endorsed that proposition.

Now, here is a far better one, an altogether better one, a more useful one. I stand for it as a Democrat, but I stand for it also as a citizen of New Hampshire who has the good of the State at heart. I hope and trust, gentlemen of the Convention, that you will not be prejudiced against this proposed amendment, simply because the Democrats of New Hampshire have declared for it. Let us wipe out this unnecessary body, which is only maintained in three States of the Union, so far as I



know, which does no good anywhere, except to furnish a soft office for aspirants for office, and, as I have said, a kindergarten for training Governors.

MR. LYFORD of Concord. Mr. President, now that the gentleman from Ward 7, Concord (Mr. Metcalf), is holding a post mortem on two of his measures that are already dead, it is entirely fitting and proper that he should hold in advance of its decease, a post mortem on this present proposition. Yesterday I listened to the eloquent speech of the gentleman from Peterborough (Mr. Brennan) in favor of the referendum. It was a speech brilliant in its expression, devoid of all points of friction, a speech adroitly made, as only the gentleman from Peterborough could make a speech; and I saw the conviction that he was carrying in the minds of the members of this Convention. When he had finished, I was about to arise and say to him, as King Agrippa said to St. Paul, "James of Peterborough, thou almost persuadest me to become a referendumist."

Then came the gentleman from Jaffrey (Mr. Duncan), a gentleman who is in advance of his time, a philosopher on government, and he undertook to explain the referendum to us. In the course of his explanation he announced that the senior senator from New Hampshire was "convicted," and immediately I heard voices around me saying, "If the Senior Senator is already convicted, why do we need a referendum?"

And then he was followed by the gentleman, my distinguished friend, from Ward 7, Concord, and he told us that this referendum was in three Democratic platforms; and he asked us, not to endorse one Democratic platform, as he has today, but all three, and then he precipitated the political issue on a matter which this Convention might perhaps have decided another way.

I have looked back on this question of Governor's councils, and the trouble that exists between the Governor and the council, and I recall that most ancient one, when Governor Tuttle, himself having been a member of a Governor's council, had a disagreement with his council as to whether they would appoint one Democrat or another to the position of railroad commissioner, and the State was stirred by the contention between the two factions of the democracy—I hope that the gentleman from Peterborough (Mr. Brennan) will check me if I get into a partisan discussion. And it was said at the time that no member of that council who voted against the Governor in his nomination of Thomas Cogswell for railroad commissioner could ever receive another office, yet two members of that council

were successively elected to the position of Governor, and they were two of the members who at first voted against the confirmation of Thomas Cogswell.

I have looked back over a period of 24 years, and during that time we have elected six councillors as Governor. We couldn't have done much more, because we only elected twelve Governors in that time.

Now, what is there in the Governor's council that calls for its abolition? It was my pleasure—when that distinguished Democrat, Samuel D. Felker, was Governor, and had a Democratic council, to try to interpret as a newspaper writer the discussion and action of the Governor and council. I was not in the confidence of that body, but I did come so near in my interpretations of the work of the Councillor in Charge, and the other councillors, that they suspected one another of "leaking" to me.

Now, the opposition to Governor Felker's council was not opposition to that body as a body, but to the entire executive branch of the state government of that time. In this connection, in those eventful years of 1913 and 1914, as I said so much about the Councillor in Charge, I want to pay a tribute to Governor Felker for appointing that man to the Superior Court bench, and to say that Judge Sawyer makes one of the most efficient members of the Superior Court. His appointment is a credit to Governor Felker and to the state.

Again, we had in that council another member, since distinguished. He announced himself as a candidate for Governor, and in the primaries he led the distinguished gentleman from Stratford by two votes; but, with that unselfish disposition and that self-abnegation that the gentleman from Stratford has shown on the timber proposition, he said to the Democrats, when there was a demand for a recount, "No, let this cup pass from me. And the distinguished councillor from Peterborough became the Democratic candidate for Governor. Because he was in the council he was discovered as a democratic candidate for Governor, and because he was in the Council and discovered as a Democratic candidate for Governor, he is now announced as a candidate for vice-president of the United States. There is some question whether Mr. Hoover is a Republican or a Democrat. There has been sometimes question whether the gentleman from Peterborough, Mr. Noone, was in accord with the Democratic party. I don't see but what, if we take Hoover and Noone, we have got to take them together. If they are Republicans may be the Republicans

will nominate them; if they are Democrats may be the Democrats will nominate them. If the Democrats should nominate them, and the Republicans should nominate General Wood, then New Hampshire would be sure of one honor out of the two great honors; either we would have a native son for president or a native son for vice-president.

MR. METCALF of Concord. Mr. President, I regret to do it, but I rise to a point of order. I think the gentleman is not speaking to the question.

THE PRESIDENT. The gentleman from Concord will proceed upon the question.

MR. LYFORD. I hope, Mr. President, that the interruption of the gentleman from Ward 7 will not be taken out of my time. I have but a word more to say. The Governor's council has been a stepping stone and training school to higher positions. I have never known of any serious friction between Governors and their councils. I know that at first, when my name was proposed for chairman of the bank commission by Governor Spaulding, the Council hesitated, but they did not hesitate because they wanted to oppose the Governor, but because the Governor presented it in such a way that they were misled as to his purpose.

Now, I hope, and I believe, that when my friend from Peterborough has an opportunity to reply, we will lay away this third proposition of the gentleman from Ward 7, Concord, with fitting obsequies.

MR. BRENNAN of Peterborough. I, too, am in favor of abolishing the council, and I wish to talk to you seriously about this. The legislative referendum resolution which came up yesterday was not considered seriously. My co-workers and would-be proponents of the resolution tipped over the beans and it failed to receive sufficient votes. I have had the pleasure of being a member of the House of Representatives quite a number of terms, and I consider this convention a very similar body; during that time I have had pleasant associations with our Republican brethren. You can attract them with sugar more successfully than with vinegar; they get in a fighting mood if you talk party platforms and whenever you inject politics into the conversation, why, you are going to get defeated if they have the votes, because they always cling together. It usually devolves upon my friend from Ward 4, Concord (Lyford) to point out the political path and direct unwary Republicans; not that there is anything of the element of politics in his make-

up. Perish the thought. But it becomes his duty in the position he holds in conventions and legislatures to sometimes snap his party's whip—merely as a ministerial act. There is no political guile in the gentleman from Ward 4, not at all.

The unexpected however, happened yesterday; we were going along very nicely on the legislative referendum resolution, and my Republican friends,—for whom I have the highest respect,—were, I believe, considering the resolution very favorably, and, as I looked into their faces, I gathered hope. It was then, perhaps, that the ministerial act of cracking the party whip was due; my Ward 4 friend might then with some degree of consistency, perhaps, have brought it into action, because a plank of the Democratic platform was about to become exalted, but instead thereof it was my party co-workers, who, in an untimely way, snapped the whip, thereby driving the Republicans within their party lines; thus all our efforts for legislative referendum went into the thin air and the resolution, so far as this convention goes, was defeated.

I wish there had been nothing said by my friends about the fact that legislative referendum was part of the Democratic platform; indeed politics should not enter into the consideration of such a measure; partisanship, however, may retard but can never prevent the final acceptance of such a resolution. This legislative referendum is another doctrine in the interest of the people, which has been introduced and urged by the Democratic party, receiving first the condemnation, but finally the commendation of its former opponents, and this will, in the near future, like the Income Tax, be adopted with but little opposition. The same leaders of the Republican party who only a short time ago, with all their power of investive, denounced the Income Tax doctrine as an iniquitous measure, we now find in this convention commending it and recommending that the authority to impose such a tax be incorporated into the fundamental law of our state. Times certainly have changed and with it the Republican party has also changed. In these evolutions, the doctrines of the Democratic party, which ever keeps in trend with the people's interest, will ultimately prevail. I will forgive my Republican friend for killing the legislative referendum resolution if they will promise not to swallow it in season to place it in their next party platform and thus deprive my party of this and many other doctrines, which, like the handwriting on the wall, show the trend of the American mind.

But to return to the matter before us; I am in favor of sub-

mitting to the people the question of the abolition of the Governor's Council by constitutional amendment. Whatever doubt may have heretofore existed, it has, I venture to assert, been demonstrated in the past five years that this expensive body of five members—so rare in all state governments of today—has become a hindrance rather than an aid in the conduct of our state affairs—a sort of an inflamed veriform appendix, from which the body politic should be relieved. The observant delegate from Ward 4, Concord, has just told you of only a very few of the many commendable things accomplished by Gov. Felker and council, which we must all admit is true, but it should be remembered that the good work of that administration was like an oasis in a desert of discord; since then the council has gone into sad disrepute and has been conceded by many of its former friends to be a body that should no longer exist, having developed merely into a sort of an incubator for gubernatorial candidates, a place of party controversy and discord and has served largely in retarding and obstructing the political policy which adopted and sanctioned by the voters in the election of the particular model of governor that they may have selected.

Peterborough, let me say with becoming modesty, is the largest small town in New Hampshire, the salt of the earth indeed so far as the quality of towns is measured, with a citizenship which in intelligence is second to none and which in 1911 furnished to the state its second contribution to the chair of governor in the person of Robert P. Bass. In selecting a governor from such a community, you of course, had a right to expect a man eminently worthy of the office, and such you in fact did then receive. We could not, however, supply you with a superman who could accomplish the impossible, and before Gov. Bass got through with his job he sorely felt the hand of the invisible government in the council with which you surrounded him and his Progressivism was for the time squelched; he was in fact smote hip and thigh and his honest and commendable efforts went simmering. He had gaily attempted a gigantic, perhaps impossible task, such a job indeed as but few men would have had the hardihood to seriously undertake, and in which none have succeeded in accomplishing, namely, he actually attempted to reform the republican party. It failed of course and those who bravely advanced to the assault with Gov. Bass at this battle of Armageddon under his shining banner of righteousness and progressiveness have either completely

capitulated and abjectly hid themselves out of sight or returned to their former gods and are today among the earnest worshippers at the shrine of stand-pat Bourbonism humbly eating out of the hands of those they formerly denounced.

If Gov. Bass had half a show he might have succeeded, but the cards had been stacked against him; you surrendered him with a stand-pat council which securely hemmed him and his laudable efforts were all in vain. He had the responsibility to bring to life, but his council had the power to kill before maturity his reform ideas. The responsibility being his by mandate of the people, there should be no stand-pat council to neutralize the work of the man whom the people had elected on his progressive platform as their governor.

Gov. Spaulding bravely attempted the work that Gov. Bass had tried to carry out, but an honesty of purpose was more in evidence than success. Here again the council was the Bourbon force that impede progress and the estimable Rochester citizen, apparently discouraged in his efforts, withdrew from active participation in politics, refusing to be a candidate for a great office to which his many friends had faith that he could be elected. Thus, it may be seen that influence of these several councils have not been in the line of progress or harmony and a hindrance and in no sense an aid to carry out the policies upon which the governors were elected.

The present administration of Gov. Bartlett with its many frictions has fared but little if any better, but our present governor has a sterner method to bring into line which perhaps insures quicker compliance with his views; even with him the council has run at cross-purposes and again demonstrated its uselessness if not its evil.

The council since the close of Gov. Felker's excellent administration has been unprogressive and irritating and none have accomplished what my friend from Ward 4, Concord, has told you Gov. Felker and council accomplished; nothing since then but contention, hence it is not surprising that the growing demand to abolish the council has become more insistent. At this moment its members are thinking more profoundly of who shall be the next Republican candidate for governor than any other subject of state.

I could not but observe the council as they stood there at the speaker's desk this morning in attendance at prayer; what a fine body of men they were physically; they should have a uniform or gown such as the judges wear, substituting pink or red

for black, perhaps. I noticed that the councillor from Keene paid very little attention to the prayer of the chaplain, but had his eyes seriously set upon the President of this Convention, his prospective opponent in the coming gubernatorial primary.

MR. TOBEY of Temple. Mr. President. I should like to ask the gentleman from Peterborough a question.

MR. BRENNAN. I should be very pleased to answer.

MR. TOBEY. Do you pray with your eyes open?

MR. BRENNAN. I do not, I kept my eyes sufficiently shut for reverential purposes; I followed the usual custom. But at periods I was able to notice that our councillor apparently paid more attention to the president of this convention than he did to the praying chaplain, although I believe the councillor is a devout church member.

I think the governor elected by the people should have the opportunity to discharge as he is charged with the responsibility of fulfilling his pre-election promises, unhampered by the interference of a council; this Governor's Council is an antiquated idea in present state government, abolished by nearly all the states and should be abolished in New Hampshire. I trust the resolution may be adopted.

MR. DUNCAN of Jaffrey. I should hesitate very much to trespass on the time of this Convention were it not for a communication which I received this morning from one of my constituents, and in justice to him I believe it should be presented for the consideration of this Convention. It is very short. It is from a little French Canadian, a friend of mine, named Jean Jacot, who is writing to his friend Batiste:

#### THE COUNCIL.

By "*Jean Jacot.*"

Batiste, you know the Governor,  
Been run de Granite State,  
Is got five councillors to help,  
Plug-hatted, gran', sedate.  
To help, I'm say; some das right,  
Some tam' de odder way,  
Some tam' dey hol' de gov'nor back,  
When tam' try to run away.

When Bass is run for governor,  
He says do certain t'ing;  
De voters say, "Das right; go to;"  
De council say no t'ing.  
When Bass he's try de t'ing he's say  
De council say him nay:  
Dey try to stop him bes' dey can—  
Been fightin' ev'ry day.

Den Felker come along to rule,  
De council say, "Well done;  
But 'fore we let you do your choice  
Give job for every one."  
Den Spaulding come along de same,  
Try do dose t'ing de bes';  
Dey's fightin', pullin', haulin' done,  
Jus' same like all de res'.

W'en Goodnow run his chain of stores  
He's 'boss de bes' he can;  
He don' want fin' himself hold back  
By 'nother hired man.  
W'en Brown is run his Savings Bank,  
He's guide it by de rule;  
Don' spec' to have some 'nother man  
Say "Stop, you is big fool."

De five we's got for Council now  
Got job for each to do;  
But w'en de end de're term is come  
We start t'ings over new.  
You's work on top de tack shop, Bat';  
You t'ink dey's make success,  
If every two years change de plan?  
I bet dey make some mess.

What's dat you say? How's odder state  
Hol' back de Governor?  
Dey's all but one fin' some good way  
Wit'out de councillor.  
But Granite State is satisfy  
To do de ol', ol' way;  
And so I'm guess don' make some change,  
Been let de ol' t'ings stay.



An' so bes' sell de flivver off,  
Raise up de ol' ox team;  
Hitch up de horse in ol' tread-mill,  
Do no more work by steam,  
De ol' t'ings bes' by far, Batiste,  
Don' want for take no chance;  
An' we'en you clothes is wearing out  
Get out you' grand-dad's pants.

On a viva voce vote the negative prevailed.

The question being on the resolution of the committee, Resolved, That it is inexpedient to adopt the amendments as proposed in the resolution,—

On a viva voce vote the resolution of the committee was adopted.

On motion of Mr. Pillsbury of Londonderry, the Convention took a recess of one hour and thirty minutes.

#### AFTER RECESS.

Mr. Callahan of Keene offered the following resolution:

Resolved, That this Convention adjourn at 4.30 o'clock, Thursday, January 29, 1920, and that all resolutions not acted upon by that time be indefinitely postponed; that the Secretary be instructed to make up the Journal of the Convention, and the Secretary is further instructed to prepare the pay-roll of the Convention and present to the Committee on Finance.

#### COMMITTEE REPORT.

Mr. Bates of Exeter, for the Committee of Finance, presented the following report and recommended its adoption:

We recommend that the Secretary be authorized to make up the payroll of the members of the Convention as follows: 17 days' service at \$3 per day for 419 members, \$21,369.00.

That the officers and employes be allowed the respective sums placed opposite their names:

Bernard W. Carey, Secretary,	\$201.00
Wayne M. Plummer, Asst. Secretary,	201.00
Walter J. A. Ward, Sergeant at Arms,	84.50
William L. Haskell, Stenographer,	170.00
William H. Matheson, Stenographer,	170.00
Bessie A. Callaghan, Stenographer,	170.00
Rev. Harold H. Niles, Chaplain,	76.50
Guy S. Neal, Doorkeeper,	68.00
Albert P. Davis, Doorkeeper,	68.00
Edward K. Webster, Doorkeeper,	68.00
Charles W. Buzzell, Doorkeeper,	68.00
George W. Lawrence, Doorkeeper,	4.00
Melburne J. Diamond, Messenger,	68.00
Albert T. Barr, Messenger,	68.00
George Goodhue, Warden of Coat Room,	68.00
John O. O'Hare, Asst. Warden of Coat Room,	68.00
Walter Pillsbury, Page,	51.00
Ernest R. Carpenter, Page,	51.00

That the following bills for incidental expenses be allowed:

Champion Press Association,	\$60.75
Edson C. Eastman Company, Supplies,	104.81
J. H. Forster, Typewriter,	4.20
B. W. Carey, Secretary, Telephone,	10.15

The total amount of all the above bills as approved by the Finance Committee is \$23,335.91.

That all other bills in connection with the session of this Convention be approved by the Governor and Council, who shall draw his warrant for the same.

The Committee reported further that we suggest that in the future some method of proof of attendance be adopted so

that the delegates who do not attend at all should not be included in the pay-roll.

The report was accepted and the recommendations of the committee adopted.

Mr. Pillsbury of Londonderry, for the Committee on Time and Mode of Submitting to the People the Amendments Agreed to by the People, presented the following report:

#### STATE OF NEW HAMPSHIRE.

*In the Year of Our Lord One Thousand Nine Hundred and Twenty.*

In the Convention of Delegates assembled at Concord in adjourned session on the second Tuesday of January in the Year of Our Lord One Thousand Nine Hundred and Twenty, for the purpose of revising the Constitution of this State, in pursuance of the act of the legislature passed April 3, 1917.

I. *Resolved*, That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the state at the regular biennial election to be holden on the Tuesday next following the first Monday in November, 1920, to be by said voters acted upon at said meetings.

II. *Resolved*, That the selectmen of the several towns wards and places in the state be and are hereby directed to insert in their warrants calling the said meetings an article to the following effect: To take the sense of the qualified voters whether the alterations and amendments to the Constiution proposed by the Constitutional Convention shall be approved.

III. *Resolved*, That the sense of the qualified voters shall be taken by ballot upon each of the following questions submitted to them by the Convention:

1. Do you approve of empowering the legislature to impose and levy taxes on incomes, which taxes may be classified, graduated and progressive, with reasonable exemptions;—as proposed in the amendment to the Constitution?

2. Do you approve of providing in terms that taxes on property when passing by will or inheritance may be classified, graduated and progressive, and with reasonable exemptions, as proposed in the amendment to the Constitution?

3. Do you approve of giving the Governor authority to approve or disapprove any separate appropriation contained in any bill or resolution, as proposed in the amendment to the Constitution?

4. Do you approve of providing that the whole number of members in the House of Representatives shall not be less than 300 or more than 325; that representation shall be in proportion to the average total number of ballots cast in presidential elections; the legislature to make the apportionment of representatives at definite periods; and of providing that there shall be required for each representative additional to the first three times the number of ballots required for one representative, with the proviso that a town, ward or place which has cast less than the number of ballots required to entitle it to a representative all of the time may send a representative a proportionate part of the time, as proposed in the amendment to the Constitution?

5. Do you approve of amending the Bill of Rights by striking out the provision that no person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto provided he will pay an equivalent, as proposed in the amendment to the Constitution?

6. Do you approve of amending the Bill of Rights by striking out the words "rightly grounded on evangelical principles" after the words "As morality and piety," and

striking out the word "Protestant" before the words "teachers of piety, religion and morality," as proposed in the amendment to the Constitution?

7. Do you approve of amending the Bill of Rights by striking out the provision that pensions shall not be granted for more than one year at a time, as proposed in the amendment to the Constitution?

IV. *Resolved*, That the Secretary of State be directed to procure to be printed one hundred and twenty-five thousand copies of such parts of the Constitution as are altered and amended by this Convention, together with the alterations and amendments, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of copies of these resolutions; and to cause such copies to be seasonably distributed to the town clerks of the respective towns, wards and places in the State for the use of the qualified voters in numbers proportionate as near as may be to the number of legal voters in the respective towns, wards and places; and it is made the duty of said clerks to seasonably distribute such copies among said voters.

V. *Resolved*, That the Secretary of State be required to print a sufficient number of ballots containing said questions to be thus voted upon, which ballots shall be separate from any other, and to distribute the same with the regular official ballots for said election.

Upon the said ballots containing the questions to be voted upon, and opposite each question at the right hand, shall be printed the word "Yes" with a square near to and opposite it, and the word "No" with a square near to and opposite it, the word "No" with its square to be under the word "Yes" with its square. And the voter desiring to vote yes upon any one of said questions shall make a cross in the square, opposite the word "Yes," and if he desires to vote no he shall

make a cross in the square opposite the word "No." And he shall do this as to each question upon which he desires to vote. All ballots cast where no cross is made in a square opposite any question shall not be counted as to such question.

The Secretary of State shall cause to be printed at the top of each such ballot distributed to the town clerks a heading substantially as follows:

"Proposed Amendments to the Constitution of New Hampshire as adopted by the Constitutional Convention."

And the Secretary of State shall also cause to be printed in a conspicuous place upon each such ballot a note in plain type as follows:

"Every voter who wishes to vote "yes" will make a cross in the square opposite the word "Yes." If he wishes to vote "no" he will make a cross in the square opposite the word "No." If he makes no cross in either square his ballot will not be counted as to such question. Be sure and vote on all questions."

VI. *Resolved*, That the moderators of the several towns and wards in the State be required to demand from each voter the return of every such ballot received by him.

VII. *Resolved*, That the town and ward clerks of the several towns and wards in the state shall make a true and certified copy of the record of the votes given in upon each of the said questions and shall forward the same in sealed packages to the Secretary of State within five days from the day of said election, and said clerks shall be subject to the same penalties as are by law prescribed for neglect to return the votes for Governor, and the returns shall be by the Secretary of State seasonably laid before the Governor and Council.

VIII. *Resolved*, That the Secretary of State is hereby directed to furnish to the town clerks of the different towns, wards and places, suitable blanks for the return of the votes on said questions.

IX. *Resolved*, That the Governor and Council, prior to the first Tuesday of December, 1920, shall canvass said returns and make a record thereof, and the Governor shall forthwith issue his proclamation announcing the result of the vote on each of said questions submitted to the people.

X. *Resolved*, That such of the proposed amendments as shall be approved by the requisite number of votes shall take effect and be in force when their adoption is proclaimed by the Governor, provided that no amendment shall affect the election and membership of the legislature of 1921.

XI. *Resolved*, That these resolutions, signed by the President of this Convention and attested by the Secretary of the Convention shall be published once in all the weekly newspapers of the State authorized to publish public laws, and in the daily newspapers, and that the original journal, together with all the files of the Convention, shall be deposited in the office of the Secretary of State.

The report was accepted and the recommendations adopted.

(Mr. Cavanaugh of Manchester in the Chair.)

Mr. Tobey, for the Committee on Journal, having considered the subject matter, reported the following resolutions with the recommendation that they be adopted.

*Resolved*, That the official reporters be directed to make a copy of the debates verbatim, and they be paid in full for their services in copying said debates, the usual compensation of twenty-five cents for each hundred words for first copy, and five cents per hundred words for each copy addi-

tional, and that their account be audited by the Governor, who shall draw his warrant for the same.

*Resolved*, That the Secretary of the Convention be instructed to supervise the printing of the Journal of the Convention, eliminating such extraneous remarks as do not apply directly to the subject under discussion, and all unnecessary tabular matter, and to prepare and cause to be printed therewith a proper and extended index, under suitable headings, for ready reference to names, towns, and subjects; and that his bill for compensation therefor, when audited and approved by the Governor and Council, be allowed and paid.

*Resolved*, That the Secretary be instructed to procure as soon as possible after the close of the Convention, 2,200 printed copies, in pamphlet form, of said journal, to be distributed as follows: One copy to each member and officer of the Convention, one copy to each town, to be kept in the office of the town clerk; one copy to each Secretary of other states and territories, to be placed in their respective state or territorial libraries; one copy to each High School in our state; one copy to each public or circulating library in our state; five copies to Dartmouth College; five copies to the New Hampshire College of Agriculture and the Mechanic Arts; five copies to the New Hampshire Historical Society; ten copies to the New Hampshire State Library; 500 copies to be reserved for the use of members of future Conventions; and the remainder to be disposed of at the discretion of the Secretary of State.

*Resolved*, That in the event of the appropriation made for this Convention being exhausted before the publication of the Journal, as above provided, that the incoming legislature be requested to make such further appropriation as may be necessary to carry into effect the object of these resolutions, and the President of this Convention be instructed to see that this matter is presented to said legislature.



The report was accepted.

The question being on the adoption of the report of the committee.

Mr. Mason of Keene offered the following amendment:

Insert after the words "High Schools," in the third resolution the words "Normal Schools," so that the said resolution will read:

*Resolved*, That the Secretary be instructed to procure as soon as possible after the close of the Convention, 2,200 printed copies, in pamphlet form, of said journal, to be distributed as follows: One copy to each member and officer of the Convention, one copy to each town, to be kept in the office of the town clerk; one copy to each Secretary of other states and territories, to be placed in their respective state or territorial libraries; one copy to each high school and normal school in our state; one copy to each public and circulating library in our state; five copies to Dartmouth College; five copies to the New Hampshire College of Agriculture and the Mechanic Arts; five copies to the New Hampshire Historical Society; ten copies to the New Hampshire State Library; 500 copies to be reserved for the use of members of future Conventions; and the remainder to be disposed of at the discretion of the Secretary of State.

Mr. Tobey of Temple, for the Committee on the Journal accepted the amendment.

The question being on the adoption of the report of the committee.

On a viva voce vote the recommendation of the committee were adopted.

## MEANING OF THE WORD "TOWN."

MR. JAMES O. LYFORD of Concord: Mr. President, a chance question as to the meaning of the word "town" in the 10th Article leads me to have the interpretation given to that by the draftsman of the amendment, and by our committee. The old Constitution provided for a representation of wards, towns and places. The Secretary of State informs me that there are no places that are not towns that are entitled to representation. The committee on the questions to be submitted to the voters include that word "places." Now, if we give an interpretation here in our debates to the word "towns," it would be recognized by the court, if the question should ever be raised. I cannot see how the question can possibly be raised when there is no unincorporated place that is entitled to representation. I call upon the gentleman from Rochester (Mr. Snow) to confirm what I have stated to the Convention.

MR. SNOW of Rochester. Mr. President, the question was discussed in the committee, and the word "town" as it was used by the draftsman and the committee as a whole was intended to include any place that would have been included if the words had been specifically used "town or place." That is, the word "town" is intended, and has been construed by your committee, and understood, to be inclusive of the word "place."

MR. LYFORD. That covers it.

Mr. Pound of Wolfeboro offered the following resolution:

WHEREAS: The world is in a state of perilous unrest, and the great mass of American citizens is anxiously awaiting the settlement of the Peace Treaty and the covenant of the League of Nations:

*Resolved*, That the Constitutional Convention of the State of New Hampshire, assembled in regular session at Concord, does hereby express its conviction that the welfare of the Nation requires an immediate ratification of the Peace Treaty and an endorsement of a League of Nations which may give reasonable grounds for hope that the world may not again be cursed by the ravages of war such as has just left its paralyzing effects upon modern civilization.

MR. LYFORD of Concord. Why, Mr. President, the resolution I do not think meets with the approval of the individual members of this Convention in the form in which it is. There is difference of opinion as to whether we should have reservations protecting American interests if we go into the League of Nations. For one, I am opposed to the resolution in the form in which it is presented; and we ought not, when we have not a quorum here present, to undertake to express on a national question, which is none of our business as a Convention, an opinion which is going out to the world.

On motion of Mr. Lyford of Concord, the resolution was laid on the table.

On motion of Mr. Metcalf of Concord, the following resolution was adopted:

*Resolved*, That the thanks of this Convention are due and are hereby heartily tendered to the President, Hon. Albert O. Brown, for the able and impartial manner in which he has discharge the duties of his office, and the uniform courtesy which he has manifested toward all during the proceedings of this Convention.

MR. BROWN of Manchester. Mr. President and Gentlemen of the Convention: It is appropriate, though quite inadequate, to thank you for the very generous and appreciative resolution you have just adopted. This I do heartily. I must also thank you for the considerate and courteous treatment you have accorded to me as your presiding officer. I desire moreover to thank the Secretary, the Assistant Secretary, the Sergeant-at-Arms and all the officers, officials and employees of the convention for their invaluable assistance.

Our sessions have been orderly and harmonious. Our debates have been forceful but courteous. Our decisions have been recorded by majorities that leave no question as to the attitude of the convention upon any matter that has been before it.

We are submitting to the people seven amendments for their ratification or rejection. We are submitting them upon a separate ballot, which is, I believe, an innovation in this state, and a device calculated to guard against inattention and neglect. It is our duty so far as lies in our power to see that these amend-

ments are ratified by the people. But whether we succeed or fail in this endeavor, the convention will be and remain conspicuous for the small number of questions submitted by it and the decisive votes by which submission was accomplished. Moreover, if the seven amendments are ratified, it will be the first instance in the history of the state when all the proposals of a convention to revise the constitution have found favor with the people.

Gentlemen, I thank you for the attention you have given to the public business, from the assembling of the convention to the present moment, and in this connection I call attention to the fact that the convention has not in a single instance been adjourned for the lack of a quorum. Again I thank you.

On motion of Mr. McElroy of Manchester, the following resolution was adopted:

*Resolved*, That the thanks of the Convention be extended to the Secretary, Assistant Secretary, Sergeant-at-Arms and other officers and employees of the Convention, for the faithful and efficient manner in which they have performed their various duties during the Convention.

On motion of Mr. Abbe of Dublin, the following resolution was adopted:

*Resolved*, That the members tender to our Chaplain, Rev. Harold H. Niles, our sincere thanks and grateful acknowledgment for his services as Chaplain during this session of the Convention.

On motion of Mr. Trickey of Tilton the following resolution was adopted:

*Resolved*, That the thanks of the Convention are hereby tendered to Edwin C. Bean, secretary of state and Hobart Pillsbury deputy secretary for the excellent Manual of the Constitutional Convention which was written and compiled without expense to the State and which has been so useful and serviceable to the Delegates.

On motion of Mr. Lyford of Concord, the Convention adjourned at 1.05 o'clock.

**AFTERNOON.**

The Convention met according to adjournment.

On motion of Mr. Lyford of Concord, the Convention took a recess for forty-five minutes.

**AFTER RECESS.**

On motion of Mr. Spaulding of Manchester the Convention adjourned to meet at the call of the President, or in case of his death or disability, at the call of the Governor of the State.

BERNARD W. CAREY,  
*Secretary.*

A true copy: attest.

BERNARD W. CAREY,  
*Secretary.*



**SPECIAL SESSION**  
**Convention to Revise the**  
**Constitution**  
**Held January 28, 1921**





# SPECIAL SESSION

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FRIDAY, January 28, 1921.

The delegates of the convention to Revise the Constitution assembled in the hall of the House of Representatives on Friday, January 28, 1921, in accordance with the following call issued by the president of the Convention and governor of the State pursuant to a resolution adopted by the adjourned session of the Convention to Revise the Constitution January 29, 1920:

*To the Members of the Convention to Revise the Constitution and the Delegates Elected Thereto.*

The Convention to Revise the Constitution, which assembled in June, 1918, and adjourned on the seventh day of that month, reassembled on the thirteenth day of January, 1920, and on the twenty-ninth day of that month adjourned to meet at the call of the president, or in the case of his death or disability, at the call of the governor of the state. As there is occasion for the convention again to meet and as the legislature has provided funds for a session of one day, you are hereby called and notified to meet, assemble and convene at 11 o'clock in the forenoon of Friday, the twenty-eighth day of January, 1921, in the hall of the House of Representatives in the state house at Concord.

Concord, New Hampshire, January 20, 1921.

ALBERT O. BROWN,

President of the Convention to Revise the Constitution and Governor of New Hampshire.

On a call of the roll the following named gentlemen answered to their names:

ROCKINGHAM COUNTY: Sawyer, Sanborn, Smith of Brentwood, Lang, Rand, Brown of Deerfield, Angell, Bartlett of Derry, Weston, Tilton of East Kingston, Edgerly of Epping, Templeton, Stevenson, Frost, Emerson of Hampstead, Brown of Hampton, Farmer, Prescott of Kensington, Pillsbury of Londonderry, Marvin, Doe of Newfields, Hoyt of Newington, Beaudette, Willey, Hayford, Shaw of North Hampton, Towle of Northwood, McDaniel of Nottingham, Hill, Peyser, Sise, Cogan, Fellows, Foss, Wilson of Salem, Woodbury of Salem, Lovering, Beckman, Johnson of South Hampton, Pearson of Stratham.

STRAFFORD COUNTY: McDaniels of Barrington, Rines, Hurd of Dover, Smart of Dover, Smith of Dover, Wentworth of Dover, Hall of Dover, Fairbanks, Marshall, Sherry, McKeon, Durnin, Pettee, Nute, Waldron, Bartlett of Lee, Knox, Davis of Middleton, Jones of New Durham, Cole of Rochester, Gunnison, Meader of Rochester, Bilodeau, Young of Rochester, Snow, Varney, McNally, Philpott, Andrews, Doe of Somersworth, Parsons, Roy of Somersworth.

BELKNAP COUNTY: Rollins, Whitney of Barnstead, Smith of Center Harbor, Hammond of Gilford, Page, Clough, Spring, Tilton of Laconia, Hale, Plummer, Philbrook of Laconia, Young of Laconia, Locke, Perkins of Laconia, Beede, Ordway of New Hampton, Wright, Trickey.

CARROLL COUNTY: Hammond of Albany, Gale, Chandler, Gibson, Goulding, Shirley, Dearborn of Effingham, Bennet, Morey, Kennett, Blanchard of Moultonborough, Kenison, Hoyt of Sandwich, Schenck, Edgerly of Tuftonborough.

MERRIMACK COUNTY: Eastman of Allenstown, Kittredge, Wheeler of Canterbury, Belanger of Concord, Chase of Ward

3, Concord, Lyford, Streeter of Concord, Chase of Ward 5, Concord, Demond, Doherty, Sturtevant, Metcalf, Quimby, Thompson, Lee of Concord, Patterson, Dean, Bunten, Haynes, Burleigh, Morin, Duffy, Towne, Childs, Little, Head, Towle of Loudon, Wellman of New London, Donigan, Jaquith, Bates of Pembroke, Fowler, Rogers of Pembroke, Bartlett of Pittsfield, Sargent of Pittsfield, Pillsbury of Sutton, Wells.

HILLSBOROUGH COUNTY: Lewis, Perkins of Antrim, Hull, Smart of Bennington, Fessenden, Farnum, Greer, Parker of Goffstown, Hopkins, Boisvert, Duncan of Hancock, Haslet, Baker of Hudson, Tarbell, Chase of Manchester, Wheeler of Manchester, Pillsbury of Manchester, Deschenes, Livingston, Rydin, Blanchard of Manchester, Cavanaugh, Pariseau, Schellenberg, Collins, Eagan, Glancy, Gorham, Horan, Magan, McCarty of Ward 5, Manchester, McNulty, Bunton, Streeter of Manchester, McAllister, Mahoney, Ryan, John J., of Manchester, Ryan, Patrick J., of Manchester, Chevrette, Connor of Manchester, Flanders, Sullivan, Chapman, Edgar, Sayers, McElroy, Emerson of Manchester, Gingras, Whelpley, Laberge, Hebert, Pecor, Bailly of Manchester, Francoeur, Gagnon, McCarty of Ward 13, Manchester, Eaton, Hodgman, Emerson of Milford, Keyes, Prescott of Milford, Cobleigh, Shaw of Nashua, Lampron, Ledoux, Salvail, Foisie, Hallinan, Bresnahan, Holt, Winn, Dionne, Theriault, Prince, Brennan, Hurd of Sharon, Tobey, Eastman of Weare, Frye.

CHESHIRE COUNTY: Newell, Randall, Damon, Booth, Duncan of Jaffrey, Mower, Callahan, Madden, Huntress, Rice of Keene, Kingsbury, Mason of Keene, Mason of Marlborough, Scott, Bullock, Rice of Rindge, Spaulding of Stoddard, Marston, Dort, Clarke of Walpole, King, Whitman, Dickinson.

SULLIVAN COUNTY: Clark of Acworth, Hamlin, Charron, Kinney, Parker of Claremont, Paul, Sherman, Beaman,

Davis of Croydon, Whitney of Goshen, Walker, Hall of Langdon, Benway, Barton, Dame, Rogers of Newport. True, Bailley of Sunapee, Reed.

GRAFTON COUNTY: Sleeper, Kahler, Connor of Bristol, Pulsifer, Wallace, Schoolcraft, Young of Easton, Ayres, Gage, Hunkins, Bartlett of Hanover, Hoyt of Hanover, Butler, Smith of Haverhill, Morse of Hebron, Cox, Noyes of Landaff, Bell, Bryne, Jones of Lebanon, Lord, Stanley, Pike, Price, English, Veazie, Grant, Wendell, Stevens, Morrison, Wentworth of Plymouth, Elliott, Lee of Thornton, Foster, Goodwin, Woodbury of Woodstock.

COÖS COUNTY: Brown of Berlin, Curtis of Berlin, Berquist, Burbank, Hutchins of Berlin, Gall, Annis, Lombard, Woodward, Leach, Evans of Gorham, McHugh, Evans of Jefferson, Amey, Jacobs, Shurtleff, Hancock, Aldrich of Northumberland, Curtis of Northumberland, Cole of Stark, Noyes of Stewartstown, Hutchins of Stratford.

On motion of Mr. Emerson of Milford, the following resolution was adopted:

*Resolved*, That the Secretary be instructed to procure the services of competent stenographers to take the verbatim proceedings of the Convention.

#### APPOINTMENT OF STENOGRAPHERS.

Lizzie H. Sanborn of Laconia was appointed official stenographer, and William H. Haggett of Concord was appointed assistant official stenographer.

The official stenographer and assistant official stenographer appeared and were duly sworn.

**THE PRESIDENT.**—The roll-call disclosed the fact that 322 delegates are present, and we are ready to proceed with the business of the convention. I shall not take any portion of your time for you have very little if the work is completed today. It is well for us all to remember however that this convention originated in the desire of the legislature of 1915, to provide for the state a fair and workable system of income taxation. There are other matters in the convention but that is the purpose for which it was originally brought into existence. The chairman is ready to proceed with any appropriate business.

**MR. LYFORD of Concord.**—The Committee on Legislative Affairs had charge of and reported to this convention three amendments. The amendment taxing incomes, the amendment making clear the present provisions of the Constitution in regard to the taxation of inheritances, and the amendment for the reduction of the House. That committee met last night, and this morning, not with a view of influencing this convention, but with a view of presenting something concrete here upon which you could act, and with a view of expediting the work of the convention.

The committee submit to you for your consideration only three amendments of the number that were presented to the people last Fall, and it is the judgment of that committee that it would be advisable to limit the number of amendments. There is another amendment which I shall bring at the request of the committee to the attention of the convention for such action as it sees fit to take.

The income tax amendment, the committee have allowed me to present to you is the old amendment that was submitted to the people last Fall, but which failed of adoption. They have also authorized me to submit in case it is the desire of the Convention, an amendment that would limit the income tax to a tax on the income of intangibles. This can be offered as a substitute for the larger amendment. We would prefer, if anybody desires to have this substituted for the larger amendment, that you use this form which has been very carefully considered, and I have copies which I can supply to any member.

The second amendment which relates to the taxation of inheritance is merely explanatory and making plain existing

provisions in the Constitution. We now have a right under the Constitution submitted by the Convention of 1902—we have the right to tax both collateral and direct inheritances. This amendment simply makes certain beyond any cavil of doubt that taxes on direct inheritances may be progressive and that we may have reasonable exemptions. It received the largest majority on the smallest vote, or nearly the smallest vote of any of the amendments. We have therefore felt that it was wise to recommend it for your consideration. It will produce more revenue if we can use the existing provisions of the Constitution as it is outlined in this amendment.

In the next amendment, the amendment for reducing the house, we submit an entirely new amendment. The other amendment was based on actual votes cast. This amendment is based upon population or continues the same basis of representation that exists at the present time. I am led to submit this amendment in behalf of the committee for the reason that, while I may not agree with one great party in the state in their opposition to it, I recognize that that party has its rights. I believe that it is more important to reduce the House than it is that we should reduce it by any particular method, and I have given consideration to that fact. I did not think until within a week that it would be possible to prepare an amendment on the basis of population that should limit the size of the House to less than 325, but after working upon it—and that work is presented to you in the tables that are distributed this morning, and which I make a part of these proceedings—I am satisfied that it can be done.

Now I do not intend to say anything more about that amendment at the present time, but to get to immediate business, and The Committee on Legislative Affairs reports the following amendment. Let me explain it. This is the amendment that was submitted last Fall, and the change is contained in the last proviso of Article V of the Constitution, as follows: "provided, further, the said General Court shall have full power and authority to impose and levy taxes on incomes from whatever source derived which taxes may be classified, graduated and progressive with reasonable exemptions," while the limited amendment reads like this: "The General Court shall have full

power and authority to impose and levy taxes upon incomes derived from stocks, bonds and other money at interest, however evidenced, which taxes may be classified, with reasonable exemptions and without proportion to other taxes."

We have left out "graduated and progressive" in this amendment. We have a straight tax. This amendment would make a straight tax on intangibles, but would allow a classification in case the legislature had to do that.

#### COMMITTEE REPORT.

Mr. Lyford of Concord, for the Committee on Legislative Department, introduced the following resolution:

Resolution No. 36, Resolution relating to an Income Tax,

RESOLVED: That article five of the Constitution be amended by adding the following proviso, "Provided further the said General Court shall (have full power and authority to) impose and levy taxes on incomes from whatever source derived, which taxes may be classified, graduated and progressive, with reasonable exemptions" so that said article shall read:

Art. 5. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defense of the government thereof; and to name and settle biennially, or provide by fixed laws for the naming and settling all civil officers within this state, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and, also, to impose fines, mulcts, imprisonments, and other

punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. PROVIDED, that the general court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds. PROVIDED, further, the said general court shall (have full power and authority to) impose and levy taxes on incomes from whatever source derived, which taxes may be classified, graduated and progressive, with reasonable exemptions.

with the recommendation that the amendment as proposed in the resolution be adopted by the Convention.

The report was accepted and the resolution was read.

Mr. Lyford of Concord moved that Rule 13, "All motions and resolutions proposed in amendment to the Constitution shall be offered in writing and be read by the Secretary for the information of the Convention, and unless rejected or otherwise disposed of, shall be referred to an appropriate committee, who shall examine and report thereon to the Convention with such recommendations as they may deem advisable.

No proposition for an amendment shall be received after Tuesday, January 20, 1920, unless by unanimous consent of the Convention or upon the recommendation of a standing committee;" and Rule 15, "All resolutions providing for amendments to the Constitution introduced shall be laid upon the table and printed before reference to committees, and the



same shall be distributed to the delegates;" be suspended for the remainder of the session.

The question being on the resolution of Mr. Lyford of Concord.

MR. PIKE of Lisbon.—It seems to me that we are entitled to have these measures that have not been circulated here. We do not know what they are. That amendment does not sound to me like the amendment submitted at the Fall election. It seems to me we are entitled to have them circulated here and know what we are voting for here. There are not a half a dozen who know what they are.

MR. LYFORD of Concord.—I want to assure the Gentleman from Lisbon that it is exactly word for word the amendment that was offered to the people in November. There has not been a change of a single word. My only object in moving to suspend this rule is that we may make progress. If we have got to wait for printing, we must wait until to-morrow before we can act.

On a *viva voce* vote the motion of Mr. Lyford of Concord was adopted.

The question being on the adoption of Resolution No. 36, Resolution relating to an Income Tax.

Mr. Hoyt of Sandwich offered the following amendment:

Amend by striking out all after the word proviso in the second line and substituting in place thereof the following: Provided, further, the said general court shall have full power and authority to impose and levy taxes on income derived from stocks, bonds and other money at interest, however evidenced, which taxes may be classified, with reasonable exemptions, and without proportion to other taxes. So that said article shall read:

ART. 5. And, further, full power and authority are hereby given and granted to the said general court, from time to

time to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this state and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defence of the government thereof; and to name and settle biennially, or provide by fixed laws for the naming and settling all civil officers within this state, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of this State and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. Provided, that the general court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds. Provided, further, the said general court shall have full power and authority to impose and levy taxes on income derived from stocks, bonds, and other money at interest, how-

ever evidenced, which taxes may be classified, with reasonable exemptions, and without proportion to other taxes.

The question being on the amendment offered by Mr. Hoyt of Sandwich.

MR. STREETER OF CONCORD IN THE CHAIR.

MR. LYFORD of Concord.—I do not intend to argue this at all. I just want to make a brief explanation. The amendment that the committee have submitted to you for your consideration is the amendment that was submitted to the voters last Fall. It provides for a tax on incomes from whatever source derived, and it provides that the tax may be graduated and progressive with reasonable exemptions. It gives to the legislature the broadest powers to tax incomes, but it leaves with the legislature the determination of what power it will exercise under that amendment. They may tax simply intangibles, or they may go beyond intangibles and tax the salaries of those who are getting large salaries, or they may tax the income of corporations which are not now reached. The amendment leaves it entirely with the legislature, and it is for the legislature to determine what the exemption shall be and who shall be exempted.

You trust the legislature; you have to trust the legislature on all matters within the scope of their powers.

Now the substitute offered by the Gentleman from Sandwich limits the taxing power of the legislature so far as income taxes are concerned to levying taxes on income derived from stocks, bonds and other money at interest however evidenced. That is, these words of definition explain what intangibles are. It would reach everything that we would call intangibles, and this amendment provides for a straight tax on intangibles; that is, you could not increase the tax—the rate of the tax for a man who had an income of a million dollars from intangibles over the rate that you tax a person having ten thousand dollars income from intangibles. This is a straight income tax without the power of graduation or progression. I think that covers the explanation of what these two amendments would do.

MR. SARGENT of Pittsfield.—It seems to me that the original amendment which we submitted last Fall is good enough. It asks under the law to give the legislature the power to pass a law to tax income from whatever source derived. What can you have plainer than that? This amendment which Mr. Hoyt has submitted ties the legislature down to passing a law to tax incomes on stocks, bonds and money at interest. You can all see, gentlemen, that allows the big incomes to escape the income tax. It is as plain as the nose on your face that the large incomes which are not derived from incomes on stocks, bonds and money at interest, will escape the income taxation and if we are going to have a law taxing incomes, let us tax incomes. We have got to have taxes from some source other than real estate and things in sight. If we do not, we will not have anyone owning real estate, we cannot afford it; it will have a tendency to depress valuation of all the real property in our state. I believe the original amendment is all right, and the substitute should be voted down.

Mr. Snow of Rochester offered the following resolution:

*Resolved*, That in debate upon any question each member speaking (excepting the chairman of a committee in charge of any amendment) be limited to ten minutes unless his time be extended by the Convention.

Mr. Parker of Claremont offered the following amendment:

That each member be allowed to speak only once on each resolution.

Mr. Snow of Rochester accepted the amendment offered by Mr. Parker of Claremont.

Mr. Hutchins of Stratford moved to amend the resolution of Mr. Snow of Rochester by striking out the words ten minutes and inserting in place thereof the words five minutes.

Mr. Snow of Rochester accepted the amendment offered by Mr. Hutchins of Stratford.

The question being on the motion of Mr. Snow of Rochester, as amended.

On a *viva voce* vote the motion as amended was adopted.

The question being on the adoption of the amendment offered by Mr. Hoyt of Sandwich:

MR. HOYT of Sandwich.—Gentlemen of the Convention: I was in favor of amendment No. 1 as proposed last November. I have confidence in this legislature and in future legislatures, but in talking with the people—that amendment has been submitted once and failed to pass, and in talking with the people I find that there is still more opposition than there was last Fall to this proposed amendment. I do not believe it will pass in the form in which it was presented last November; hence I offer this substitute to tax intangibles—to tax those things which are escaping taxation at the present time,—the income from mortgages and notes and stocks and bonds which I believe is fair and just and right.

Now we had quite a meeting of the farmers this morning—the delegates of this Convention—ten to one in their opinion were in favor of taxing intangibles but were opposed to the general income tax. They are afraid of it. They are afraid a law would be enacted something like the Massachusetts law which would drive capital out of the state and prevent our summer people who are coming in here and allowing some of their money to be taxed—and drive them out and keep them away; and we want to induce them to come and help to pay the bills in our rural towns; hence we offered this substitute, and I certainly hope it will prevail.

MR. LEE of Concord.—A few days ago there was a vote taken on passing a straight income tax in the legislature that is sitting at the present time, I think five or six votes, if I remem-

ber correctly, would have changed the result one way or the other. The vote was so close—there were quite a few members who were absent from the legislature—and one of the gentlemen reconsidered his vote so that the question could be taken up the following day. What was the result? The result was that he received another beating. The gentleman from Manchester presented a resolution to the House of Representatives, and what was the result? That resolution, gentlemen, contained exactly, as near as I can read it, a copy of which I hold in my hand, word for word that this tax would be distinctly on intangibles; not on incomes but on intangible property, a tax upon which we are losing at the present time; and if I can remember right the House passed that resolution with that amendment by 50 or 60 majority.

Now, gentlemen, I thought it was my place as a member of that legislature to inform you as to the action that the House of Representatives voted on that proposed amendment. Gentlemen, when you stop to consider what that broad resolution means, the one the gentleman from Concord has read to you, that resolution on straight income has real teeth in it; some of you do not understand what it means; but if we go to work now at this convention and instruct the legislature that they must confine themselves exactly to nothing but intangibles they will reach the class of people, in my estimation, Mr. President, that want to pay a just tax, but God knows we now have a law on our statute books that we can compel them so they will not be able to pay any tax. Gentlemen, we are here to see that all people pay their just share of taxation. The man that owns real estate, the man that owns his farm, the man that owns his business, is paying more than his share, but we have got a law now that applies to some kinds of intangibles, so that it is safe to say I do not imagine anyone hands in their real holdings because when you consider the unreasonable tax that is on that kind of property, you cannot, in one sense of the word, blame them. Give the legislature power and confine it to intangibles, and let us make a flat rate, say, for instance, five mills or four mills; five mills would mean half a cent; four mills that would mean \$4.00 on a thousand. There is no question in my mind but what those people would report practically every dollar they

have invested today in intangibles and they would be more than willing to pay their just share of taxation.

Mr. President, I was reading in a paper—no doubt you read the same thing a few days ago,—I think I read it in the Boston Herald and Manchester Union,—where they claim there is five hundred million dollars worth in the State of New Hampshire in intangibles, and it is safe to say, if that is so, that four hundred and fifty millions of that are not paying any taxes. This is my estimate from my experience as assessor of the City of Concord; therefore, gentlemen, let us confine ourselves to intangibles. The people today who own this class of property are not paying any tax, but let us not put a double burden on the farmer, the man that has real estate, and business men by paying an income tax.

MR. ANGELL of Derry.—The speaker has said something to this effect that if the legislature had the privilege to tax incomes, it would drive property out of the state. I think this original provision, this original amendment was proposed and presented to the people provided that these taxes may be graduated and fitted to the case. Now I do not understand that all of us have big salaries enough, so that if we were taxed on our salaries we would go out of the state, and if somebody had so much property income, I am inclined to think that the legislature would be perfectly willing in its wisdom to graduate and proportion that tax, so that the property and the man would remain in the state. I do not know whether or not this same objection that the gentleman applies to salaries might not apply to stock investments and bonds. I do not know enough about that to say, but I think it is a question worth raising, and I hope, Mr. President, that the original amendment as proposed will be voted to be re-submitted here today.

Mr. Woodbury of Woodstock moved that the Convention be in recess for one hour.

Mr. Woodbury of Woodstock withdrew his motion.

MR. PILLSBURY of Londonderry.—I hope that the members of this Convention are getting hold of the real nub of the difference in these two provisions. The one that we submitted taxes all incomes. Under that we would get an income from the great corporations in New Hampshire whose stockholders, a large part of them, live out of the state, who would escape all income taxation, unless we have an income tax nearly like the one that is submitted. The one on your intangibles will simply tax the stock that is owned in the state. Now the great corporations, some of them who have issued millions of dollars worth of stock in the last two years, who have paid some of them 100%, some 60%, and some 40% under the amendment of the Gentleman from Sandwich, would escape paying an income tax, and that is where, if we are going to carry on the great work, and keep New Hampshire as she has stood, at the top, we have got to get our revenue. We cannot get it simply from an income on the intangibles and let the great stockholders who come here and use our water power and employ our labor, escape because they live out of the State of New Hampshire. If we are going to have an income tax, let us have one that catches the big incomes as well as the little ones. Let us have one that will carry on the great educational work that we have started in New Hampshire. Are you going to begin to cut down and pare on education? Let us have one that will take care of the old soldiers and the new. Let us get a revenue that will keep New Hampshire in the forefront as she has been in the past, but not exempt the great and the wealthy who would be exempt under this amendment introduced by the Gentleman from Sandwich.

MR. CALLAHAN of Keene.—Mr. President and Gentlemen of the Convention: I hope the report of the committee as submitted by the Gentleman from Concord will be the report adopted by this Convention. It is well said by the Gentleman from Derry that we need income to carry on the business of the State of New Hampshire. You cannot get that income from real estate because it is already taxed more than it should bear. It is taxed 80%, and that is pretty near its full value. There is a chance for income under that bill presented by this committee which gives the legislature the power to graduate that tax, and that power would be used carefully; if not, you have a chief executive in the chair, in the governor's chair, who will see to it at any



time that a veto—that no extravagant or dangerous bill would go through the legislature. I believe that if we are just to ourselves and just to the people of New Hampshire, and if we believe in the Golden Rule we will adopt that plan of the committee. If we all paid our equal share of taxes, there would not be a state tax. You will receive under an income tax, justly placed, income enough to cover the entire expenses of the State of New Hampshire without putting it on your real estate.

I say to the farmers of New Hampshire that you are taxed heavily now, but if you do not adopt the report of the committee you will still be taxed that amount and perhaps a little more. Adopt the report of the committee, give the legislature the power, and I will guarantee that the legislature of 1921, or any other legislature in the future, will see to it that a just bill is put before the people.

MR. NEWELL of Alstead.—I think perhaps the real estate owners have a misunderstanding on this. They think an income tax would be added to their present bill of taxes. I think the idea would be to substitute an income tax in place of the real estate, and those who are farmers can estimate and compare their present tax with what they would have to pay if they paid five dollars on a thousand. I think you will see that it would strike them favorably.

MR. BRENNAN of Peterborough.—Mr. President, I read in the newspapers left here in our seats, that I have come to this convention leading a certain political party to fight for certain alleged party measures. Well, now, Mr. President, there is not a scintilla of truth in all that statement. Certain recent events have transpired, which, for the moment, have had a discouraging affect on the party to which I have the honor to belong. You know what you did to us democrats last November. We have not, as yet, quite recovered, we are, however, progressively gathering strength and courage and it may be well to watch for happenings indicating entire recovery in about two and four years hence.

Seriously, however, I trust the delegates who have read these newspaper statements, will credit me with more worthy motives and better judgment and acquit me of responsibility in any at-

tempt at political chicanery, if by chance any such appear in this important convention, which I trust is, and, certainly should be, above party politics. There should be no partisan question here; it is no place to consider such a question. By no act of mine will even the suggestion of serious partisanship appear in this important work of submitting to the people amendments of the fundamental law of our state, a work we should approach with broad views and in the best interest of all our people.

In relation to this particular matter now under consideration, your Legislative Committee were unanimous in the belief that under existing tax burdens some legislative power over incomes should be given to the legislature by our Constitution; your committee, however, was divided equally on the question as to whether that power should be unlimited or general; as to whether power be given to tax all kinds of incomes or a more contracted power to tax only certain named intangible incomes which would not include the profits and incomes of business corporations or individuals. There was not however a dissenting voice in the committee on the proposition that the power to enact *some* form of income tax should be given to the legislature. I verily believe that any person in New Hampshire who knows the true situation and who has knowledge of the present exigency of excessive tax burden on real estate and all tangible property, will agree with the committee that there should be some kind of an income tax power in the legislature to relieve just such a situation as the present. The power to tax the incomes on not only intangibles but income from all sources derived, should be wholly in the legislature into whose keeping may be safely given the power to tax all, part, or none of every class of income, as the exigencies of the particular time and occasion demand; imposing the tax or taking it off as the necessities and conditions warrant. The legislature should have the right not only to tax incomes from stocks, bonds and other money interests, but also incomes from the business of corporations, partnerships and individuals. The delegate from Derry struck the nail squarely on the head when he stated that there was hundreds of thousands of dollars of income on businesses of large corporations, rich partnerships and individuals which are entirely escaping taxation in our state, and which should

help in the common burden to support the government. The power to reach those incomes on the several hundred of millions of dollars of corporate stocks that cannot now be taxed, should be in our legislature in order to give relief from the heavy taxes on other classes of property.

One hears that if the legislature has the power, they may tax the small farmers' incomes, obliging them to keep an account of the profit on each cow and the ordinary workman will be required to keep a detailed account of all his incomes and expenditures, which would prove a great burden and annoyance on the poor man and those of moderate circumstances. Well any person who believes that any legislature which will ever assemble here would proceed upon such an unjust and foolish policy of taxation as by ignoring the "reasonable exemption" provision and place a burden on the income of the little fellow instead of the big fellow who now escapes, will not of course vote in favor of submitting this general income amendment; but those who have faith in the justice and wisdom of the legislature and who believe that when incomes on stocks, bonds, credits and other money interests are taxed, the legislature should have the door open so that large corporations, partnerships and individual incomes may also bear their just share of the common tax burden.

Let us concede that the legislature may be safely entrusted with this matter of general income taxation, that its judgment in the end is likely to be a wise one and that this extension of taxing power will be safe in its hands; believing that the legislature—in whose keeping the question of ways and means of maintaining our government must necessarily always be entrusted—which occasionally makes errors, but ultimately rectifies them. The real and stubborn facts we now have to meet are that taxes have increased to such an enormous extent that in some instances the rate has come dangerously close to actual confiscation, and, if we refuse relief, by doing our share in submitting to the people the question of opening new and proper sources of revenue, we will aid in the inevitable increasing of our taxes on real estate and other tangible property to such an intolerable extent that the people, after bitter experience, will be driven to a point where they will soon insistently demand

another Constitutional Convention to enable them to obtain relief from the intolerable situation. It is now within our power to submit amendments to the people by which they may open this avenue of relief from present excessive tax burdens by investing the legislature with the general power to tax all incomes, leaving that whole subject to the good judgment of that body, where, in my opinion, it will be wisely and prudently administered. Give the legislature power to furnish relief from time to time, as the varying circumstances and demands require, with a faith that that body, coming biennially from the people, is the only body to safely and intelligently exercise this essential power in the interest and in compliance with the will of the people and in justice to all. The legislature should possess the power to come to the relief of the over-burdened real estate owner, farmer, persons of moderate circumstances and workmen. Hence I am in favor of this amendment proposed by your Legislative Committee and am opposed to the substitute offered by my friend the delegate from Sandwich. I favor it in the interest of the farmer, in the interest of the small tax-payer, in the interest of present owners of real estate and other tangible property and in the interest of a more just, logical and satisfactory tax burden. This amendment, in this same form in which it received so large a vote by the people in November should again be submitted to them under conditions which will give them an opportunity of a more careful consideration, and I have an abiding faith that if so considered it will receive the necessary vote for its adoption.

MR. BARTON of Newport.—It seems to me there is a wrong impression getting out here as to the report of the committee. This first resolution seems to have been passed around here as the report of the committee. I am sorry that it has gotten any headway or gained prestige as being the report of the committee. It is not the report of the committee. I belonged to the committee, and the vote was six and seven when we voted—seven against it and six for it.

MR. BRENNAN of Peterborough.—I beg the gentleman's pardon. It was seven and seven.

MR. BARTON of Newport.—Some of those seven who voted against it did so on the ground of expediency, feeling that the

first proposition had been tried once and failed, and it would be rather useless to attempt to force it through a second time, and so they voted with the seven sacrificing their personal views as I have stated. That was the way we stood, six and seven.

MR. LYFORD of Concord.—Will the gentleman allow me? Is it not his recollection that the committee stood seven and seven?

MR. BARTON of Newport.—It is my recollection that it stood six and five, and then you stated, Mr. Chairman, that you would vote, and if you would vote you would vote with those five, and make it six and six. You later stated if this thing was going back to the Convention you would vote with those who were in favor of the narrower bill, making it stand seven and five.

MR. LYFORD of Concord.—I beg the gentleman's pardon. It is of no consequence how the committee voted.

MR. BARTON of Newport.—That is as I recollect the matter, and so it seemed to the committee that rather than try to put through the other measure that went through once before they would try the one which is voiced in the amendment offered by Mr. Hoyt. That is the way the committee stood. My idea was that a half a loaf was perhaps better than no loaf at all, and it was better to do that. Of course, there were some who personally preferred the amendment offered by Mr. Hoyt, although a majority of the committee personally favored the measure which has been talked about so much. I think that is the way we actually stand on the committee.

MR. PIKE of Lisbon.—Gentlemen of the Convention: It seems to me that someone has a gold brick here. I am against this income tax. It was talked around the state after the former session of the Convention adjourned that there was not any opposition to the income tax amendment, but I for one have courage enough, if I am the only man in this Convention, to stand up and say what I think about it. In the first place we do not agree whether or not this measure was brought in by the committee on legislation or by an individual. It does not stand any chance in the world of being ratified by the people of the State. I disagree with Mr. Brennan, even though he and I are political bed fellows. The word "income tax" is a bad thing to put up to the people of the State of New Hampshire, or any-

where else at the present time. I do not believe you stand a ghost of a show of putting through an income tax amendment. It is my personal opinion that when you have more revenue you have more expenses, and the members of the legislature will simply say, when a request was made for an appropriation, "We have so many million dollars coming from the income tax." The State of New Hampshire has already spent more money than it has. I understand one department spent a million dollars last year, with a total prospective revenue in sight for the coming year of about \$1,800,000. It seems to me that the place to start is to curtail. I for one am in favor of going home and allowing the legislature to cut their garments according to the cloth they have at the present time.

MR. HUTCHINS of Stratford.—It is not my purpose to tire you with extended remarks. I assure you that I will not exceed my time limit.

In reference to the discussion of this matter in the Legislative Committee, I desire to state frankly and fairly that it was the opinion of the Legislative Committee by a unanimous vote that an income tax of some nature should be submitted to the people as the work of this Convention. After this question was disposed of, discussion continued as to the kind of an income tax that we should submit. When the committee vote was taken the results showed five of the opinion that the broader measurer be submitted, and six that only intangibles should be mentioned. Col. Lyford then said that he stood with the minority, which, if he voted, can readily be seen, would make a tie vote—six and six.

I do not feel, gentlemen, that this Constitutional Convention should place itself upon the same level as a legislature, as we are the highest elective body in the State. We are here to submit propositions for the amendments of the Constitution, which is one of the greatest articles ever written. To my mind, it seems eminently necessary and wholly within our duty to submit a proposition of this nature to the voters of the State.

The needs of more income have been clearly set forth by the State Treasurer and members of the New Hampshire Tax Commission, as well as from our best financiers, and in addition to

that, the Governor himself has been very positive in his statements that unless some new means of obtaining funds for the State are secured, the tax rate in many places would become confiscatory, as the present tax rate for some forty places within the state limits had already passed the three per cent rate.

Acting upon these suggestions, I feel that we should give to the people a proposition on which they can act, carrying with it the full power to levy an income tax upon incomes derived from any source.

It has been my custom, and I still believe, that this present Legislature, and any coming Legislature, if they should enact an income tax law, would use sense and proper discretion, and that they would safeguard with proper reservations and exemptions the farmer, the wage earner and our business concerns, and that, as a result would cause little trouble and distress to the classes mentioned, but would secure from other sources and of the larger incomes, sufficient revenue to assist the State materially in the conduct of its business.

Some gentlemen who have preceded me have made statements that they believed in the broader income tax, but in the interests of expediency they favored the lesser. To my mind, if the proposition is right for the broader income tax, we should not sacrifice principle for expediency. I have known voters to change their minds; haven't you? What happened in 1916, and then what happened in 1920?

There is no doubt, gentlemen, that since we have assembled here there has been a great change in opinions. Opinions may change, but the truth never changes. We are acting upon the right; then trust our Legislature and if *they* make a mistake it will be rectified by succeeding bodies. Now then, gentlemen, let *us* do the right, and if they persist, let them do the wrong.

The question being on the amendment offered by Mr. Hoyt of Sandwich.

Mr. Lyford of Concord called for a division.

The President appointed the following tellers:

Division 1, Amey of Lancaster.

Division 2, Towne of Franklin.

Division 3, Callahan of Keene.

Division 4, Brennan of Peterborough.

Division 5, Hutchins of Stratford.

A division having been taken, it was declared manifestly in the negative, and the amendment of Mr. Hoyt of Sandwich was not adopted.

The question being on the adoption of the resolution.

Mr. Metcalf of Concord offered the following amendment to the resolution: Strike out the words "have full power and authority to."

The question being on the amendment offered by Mr. Metcalf of Concord.

MR. METCALF of Concord.—If this amendment of mine—my motion is not seconded, all right. I have eased my conscience. I do not believe that it is best to leave to the legislature whether or no they shall impose an income tax if an income tax is necessary. I want to have it incumbent upon them. I want a certainty rather than a possibility.

MR. LYFORD.—I would be very glad to join with the gentleman in his amendment, but we cannot do things of that kind. No other provision of the taxing power compels the legislature to follow a given line of conduct. We give them the power, and then it is up to them. We thrashed this question out when we were in session before. This amendment is carefully drawn. It gives the fullest power to the legislature. Now we must trust the legislature to levy an income tax, and if we give them the power, I have not any doubt but what they will levy one that will be satisfactory to the Gentleman from Concord.

MR. METCALF.—I have seen legislatures that could not be trusted.



On a *viva voce* vote the amendment was not adopted.

The question being on the adoption of the Resolution No. 36. Resolution relating to an Income Tax.

Mr. Duncan of Jaffrey arose to make a parliamentary inquiry.

THE PRESIDENT: The gentleman from Jaffrey will state his parliamentary inquiry.

MR. DUNCAN of Jaffrey.—Does the adoption of this report mean that we by that adoption vote to submit this amendment or is it simply the acceptance of the report, and then does the question of submitting the amendment come before us again?

THE PRESIDENT.—The report has already been accepted and the adoption of this amendment—that is your vote on this question will adopt this as the resolution of the Convention, and that no further vote will be required.

MR. DUNCAN of Jaffrey.—The resolution of the Convention then goes to the people.

THE PRESIDENT.—And this resolution, if adopted, will go to the people as a proposed amendment to the Constitution.

MR. DUNCAN of Jaffrey.—And then this vote which we are taking just now is the whole question of whether amendments are to be submitted to the people or not on this question?

THE PRESIDENT.—On this question.

MR. DUNCAN of Jaffrey.—On the question whether this amendment shall be submitted to the people or not?

THE PRESIDENT.—Yes. Now is it fully understood?

Mr. Lyford of Concord called for a division.

A division having been taken, 230 gentlemen voted in the affirmative and 27 gentlemen voted in the negative, and the amendment proposed in the resolution was adopted.

The resolution was then referred to the Committee on Time and Mode of submitting to the People Amendments Adopted by the Convention.

Mr. Lyford of Concord, for the Committee on Legislative Department, having considered the subject matter, reported the following resolution:

Resolution No. 37, Resolution providing for an Inheritance Tax.

*Resolved*, That Article six of part 2 of the Constitution be amended by adding at the end thereof the following:

“Taxes on property when passing by will or inheritance may be classified, graduated and progressive, and with reasonable exemptions.”

So that Article 6 shall read as follows:

ART. 6. The public charges of government or any part thereof may be raised by taxation upon polls, estates, and other classes of property, including franchises and property, when passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order. Taxes on property when passing by will or inheritance may be classified, graduated and progressive, and with reasonable exemptions.

with the recommendation that the amendment as proposed in the resolution be adopted by the Convention.

The report was accepted. The resolution was read.

The question being on the adoption of the amendments as proposed in the resolution.

MR. LYFORD of Concord.—Let me state again and see if I make clear what this means. As I stated in the beginning this introduces no new feature in the Constitution. We already have authority to tax collateral inheritances and direct inheritances, but it does make clear beyond a cavil of anybody that we can make these taxes graduated and progressive, and that the legislature can make reasonable exemptions. Now this is important because there are some cases pending now, no appeal has been taken to the Court, there are cases pending where the State of New Hampshire will get \$25,000 or \$50,000 out of a very large estate, and if we can make this thing clear there is no danger but what that money will come into our hands. Furthermore, we have made some collections that, if the Court should hold we could not make inheritance taxes graduated and progressive and that we could not make reasonable exemptions for small estates we would have to pay back the money. Now all there is to this amendment is this: "Taxes on property when passing by will or inheritance may be classified, graduated and progressive and with reasonable exemptions."

On a *viva voce* vote the amendment proposed in the resolution was adopted.

The resolution was then referred to the Committee on Time and Mode of Submitting to the People Amendments Adopted by the Convention.

Mr. Jones of Lebanon offered the following resolution:

*Resolved*, That the members of this Constitutional Convention serve during the extra session without per diem pay.

The question being on the resolution of Mr. Jones of Lebanon.

MR. JONES of Lebanon.—The small saving of the sum of \$1,200, which the adoption of this Resolution would mean to the State is a mere incident in the real motive for offering the Resolution which is that this Convention show to the people of the State of New Hampshire the spirit of service which permeated the atmosphere of the Convention. This Resolution would not do away with the mileage which is furnished the members of the Convention. I hope the Resolution will be adopted without a dissenting vote or voice.

On a *viva voce* vote the resolution was adopted.

Mr. Lyford of Concord moved that the Convention be in recess until 1.30.

The question being on the adoption of the motion of Mr. Lyford of Concord.

MR. SCHELLENBERG of Manchester.—Now that we are all here I really trust and hope that the gentlemen who are sitting will sit in their seats and conduct all the business that there is before the Convention, and then go home.

Mr. Lyford of Concord withdrew his motion for a recess.

Mr. Wright of Sanbornton, for the Committee on Legislative Department, having considered the subject matter, reported the following resolution:

Resolution No. 38, Resolution providing for a Reduction in the House of Representatives.

*Resolved*, That Articles 9 and 10 of the Constitution be stricken out and the following substituted therefor so that Articles 9 and 10 will read as follows:

ARTICLE 9. There shall be in the legislature of this state a House of Representatives, biennially elected. The whole number of representatives to be chosen from the several towns and wards shall not be less than 300 nor exceed 325. At the legislative session of 1921 and every ten years thereafter, the legislature shall make the apportionment of representatives according to the last preceding census of the United States. In determining the number of inhabitants required to entitle any town or ward to representatives additional to the first, there shall be required for each additional representative an addition to three times the number of inhabitants required for one representative. No town shall be divided or

the boundaries of the wards of any city so altered as to increase the number of representatives to which it shall be entitled by the next preceding apportionment; provided, that to those towns and cities which since the last apportionment have been divided or had their ward lines changed, the General Court shall equitably apportion representation in such manner that the number shall not be greater than it would have had no such division or alteration been made.

ARTICLE 10. Whenever any town or ward shall have less than the number of inhabitants required by the apportionment to entitle such town or ward to a representative all the time, the legislature shall authorize such town or ward to elect and send a representative such part of the time as may be equitable, provided, that the total membership of the house shall not thereby exceed 325; but the General Court shall not authorize any such town or ward to elect and send such representative except as herein provided.

with the recommendation that the amendments as proposed in the resolution be adopted by the Convention.

The report was accepted and the resolution was read.

The question being on the adoption of the amendments as proposed in the resolution.

MR. LYFORD of Concord.—The third amendment that the committee presents for your consideration is the amendment for the reduction of the House. That amendment adheres to the basis that now exists as to population. I say to you with all frankness that I would prefer, of course, the amendment that was submitted to the people in November, but here is a question of what amendment will carry. We have the largest legislative body in this country, a legislature four times as large as that in 29 states; three times as large as that in 39 states, twice as large as the legislature in 45 of the 48 states, and 150 more members than the remaining states.

Now, there cannot be any question as to the desire of the members, that this House should be reduced. It was the opinion of the Convention when we submitted the other amendment that we should limit the House to between 300 and 325 members. That preserved the town system, and this amendment is the same as the other amendment only it makes population the basis of representation instead of actual votes cast. Now I have come to make this concession because I recognize that there is opposition to the amendment that we propose, and it is the opposition of a party. It was in that party's platform, and I am bound to respect the opposition of a minority party. We want no politics to go into these amendments. I have the support of the minority members those representing the minority party in favor of this amendment, and it is my judgment that it is an amendment that if we can all agree upon, as we have upon the other two, we shall get it ratified by the people. Now this amendment reads as follows:

There shall be in the legislature of this state a House of Representatives biennially elected. The whole number of representatives to be chosen from the several towns and wards shall not be less than 300 nor exceed 325. At the legislative session of 1921, and every ten years thereafter the legislature shall make the apportionment of representatives according to the last preceding census of the United States. In determining the number of inhabitants required to entitle any town or ward to representatives additional to the first there shall be required for each additional representative an addition of three times the number of inhabitants required for one representative."

We cannot fix the unit of representation in the Constitution, if we are going to limit the membership of the legislature. We must leave that to the legislature, but we can provide the progression; that is to say, whatever number we fix upon for one representative, there must be an addition to that of three times that number for additional representatives. This amendment is the same amendment that was submitted in 1902 and came within a few votes of receiving a two-thirds majority. The other part of the amendment is simply a repetition of the present Constitution.

“provided, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; and provided, further, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the General Court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.”

There has been submitted to you a table which I have worked out with the aid of the Secretary of State. I have taken 700 population as the unit for the first representative. It is possible that this unit could be made smaller, but with 700 as the unit for the first representative and an increasing mean of three times that number, we can secure a House of about 320 members. The prorated towns, or those having less than 700 population, or whatever the unit may be, could be divided into five classes, as the table shows, giving those of the highest class, or those having nearly the requisite number of inhabitants to entitle them to one representative, a representative all the time; those of the next lower class being given representation four legislatures out of five in every ten year or Federal census period; those of the next lower class representation three legislatures out of five; those of the next lower class representation two legislatures out of five, and those of the lowest class representation one legislature out of five. Article X has been slightly changed to permit of these classes.

I believe this amendment will be adopted by the people because I believe that they are in favor of a reduction of the size of the House, and because we are rid of the objection to the old amendment, namely, that we were to change the basis of representation to votes and thus deprive people who could not vote of the opportunity of representation.

MR. HOYT of Hanover.—Mr. President: I think that the rural communities of this state should consider this and realize whether or not that the towns of this state are going to be

sacrificed,—perhaps they are not,—but when you place this on this basis you know that the towns are continually losing population. You know that the cities are continually increasing, and if we place this in this way on the old recommendation Hanover loses one-half by the resolution that was put in last Fall, and I think even though the towns are being depopulated there will be men in those towns that will want to come into this legislature and have a voice in the making of the laws of the state, and you place the power all in the hands of the cities—I am finding no fault—what chance does the poor farmer have. He wants a voice in this legislature. Have the farmers or the farmers organization ever come into this House and asked for class legislation? Have they ever come into this House and asked for anything except a fair show with other organizations? We want to know the rural communities of the state, the towns of the state, I believe want to know whether you should take from them representation which belongs to them. Be careful! Be careful! I say on this, towns, to know, what you are voting for, what will still give you the right.

MR. BRENNAN of Peterborough.—Mr. President: Articles in the constitution do not deal with details, or meet and define every minor objection suggested; this Convention can enlarge the scope, but must trust the working out of the minutia to the legislature. This absence of details here may not satisfy the somewhat indefinite objection of my friend, the delegate from Hanover. The provisions of this amendment is, that within the limits of 300 and 325, the legislature may equitably fix the number of members of the House according to the last preceding Federal census. Opposition to this amendment would come more logically from the cities than from the towns, because, while by our present constitution, 600 inhabitants are required for the first representative, 1800 for two and only 1200 for each subsequent representative the proposed amendment would require for every representative three times the population required for the first. For example: If under the 1920 census the legislature passed an act—under this 300 to 325 limit—fixing its membership at, say 321, and 700 was the population required for the first representative, it would require three times that, or 2100 population for every subsequent representative; a much larger ratio of increase than is required by our present constitution.



Hence, with the comparatively slower growth of the country towns, they would not be likely to be as adversely affected as the more rapidly growing cities, and the aggregated population of several towns, with one representative each, would have many more representatives than the same population in the cities. For instance: Ward 5 in Manchester, with its more than 11,000 population, would have less than a third as many representatives as several small towns of the same aggregate population with a little over 700 population each. The increased ratio after the first representative would tend to keep down the city representation. If the cities find no fault with this amendment, obviously, the towns should not complain in this effort to conserve the state's interest. This amendment differs from the one presented at our first session because this amendment is based on population as in the present constitution, and not upon the number of votes cast, as was the amendment proposed at our first session. The delegate from Hanover appears suspicious and fears a possible injustice to the towns, and, with uncertain warning suggests careful consideration and watchful care in the interests of the towns. Much objection to this amendment is based upon unfounded fear which would be dispelled upon careful investigation.

It is generally conceded that the membership of the House should be reduced in some equitable way which will do justice to all; in the amendment we are considering this equitable principle has been preserved in its provisions for a sufficient and proportional representative legislature in the reduction of the present membership of 410, and in accomplishing a great savings of the people's money; a plan which, in my opinion, will, upon mature consideration and experience prove a satisfactory one. Milford, for example, under this amendment would lose one of her three representatives, but that town would probably agree with one of its delegates here who says "two is enough"; my town of Peterborough would have but one instead of two representatives, but that does not militate against my judgment of the justice and wisdom of this amendment when considered as a fair deal with my town and in the interest of the whole state, and, it is my belief that many towns now having two representatives, can be served as effectively in the proposed smaller House by the smaller representation, where the feature of proportional

representation is preserved with one as well as with two representatives.

MR. EMERSON of Milford.—One is enough.

MR. BRENNAN of Peterborough.—Yes, one is enough when those smaller towns still have in good measure their proportional share of the whole and this fact should be emphasized in presenting this amendment for the consideration of the voters, as should the other just feature of population-basis instead of the vote-basis, which latter the people did not adopt last November. Those who vote are not the only ones to pay taxes and the business of the legislature is to enact laws for all those who dwell within the state, appropriating money which the non-voter is called upon to help to supply as well as those who can exercise that high elective privilege. The right of the non-voter to petition his representative is recognized as a valuable one and the whole population all of whom help to sustain our government, must, in justice, always be considered in fixing representation.

The delegate from Hancock has inquired if the Convention is going to propose an amendment to give the Governor a right to veto separate items in appropriation bills. I wish it was thought advisable to include that in an amendment, but the Committee felt that too many amendments would endanger all and those only which a large majority of the Committee conceived to be the most essential, were selected. Some consideration indeed was given to the proposition of having the income amendment alone submitted to the voters as the most essential, but a final conclusion was arrived at to recommend three on the same subjects voted on last November and one new one. These four comprise, first the amendment to give the legislature power to adopt an income tax, second, the making certain the constitutional right to levy inheritance taxes, third, to reduce the House and fourth, to make women eligible to holding state, county and town offices.

I was in favor of submitting more than these four amendments, but the Committee were insistent in the belief that a larger number would not be advisable. However, Mr. President, I wish, as a citizen, jealous of the good name of this my native

state, to here go on record as favoring the changing of Article 6 of the Bill of Rights of our Constitution in order to take our state out of an unenviable class alone and by itself among the forty-eight states in our Union in the position of discreditable intolerance which separates it from all other states and necessarily induces a citizen of New Hampshire, in the exercise of good taste, to go back, sit down and remain silent when a question of equality, toleration of others opinions and equal religious rights are under consideration. I should like to see this unjust and illiberal article of our constitution amended so we could with equal pride place our constitution beside the constitution of other states. I should like to see this Article of our Constitution amended. I would like to see it in this respect modernize, Americanize and Christianize. I would like to see a change in this part of the fundamental law of our state so that we might advance to the position of other states in our Union, by striking out the intolerant feature of this Article, which, although a dead-letter and disregarded, remains to do injustice to our good name and to the progressive spirit of our people. I would also like to have seen the extension of the Governor's veto privilege and other amendments, submitted, but I believe these four, recommended by the Legislative Committee, are of great importance and should receive the two-third vote necessary for their adoption. I have faith that all four will receive such a favorable vote if their importance is fully understood by the voters.

MR. METCALF of Concord.—I do not rise, Mr. President, to oppose this amendment. I am in favor of it, and I hope it will pass. I simply rise to correct a misapprehension that may arise from the statement of my friend from Ward 4, Concord. I am glad to know that he has some consideration for the rights of the party to which he once belonged and to which I always belonged; but I rise to say that the opposition to this original amendment as proposed did not come wholly from that party, but it was opposed by good men in the other party, and I want to say—I want to call the attention of this Convention to the fact—that the oldest and the ablest Republican editor of the State of New Hampshire was the most emphatic in his opposition to that amendment of anybody in the State. It is not simply Democratic opposition, but it is the opposition of sensible

men of all parties that make the original amendment impossible.

MR. PIKE of Lisbon.—I wish to disagree with the Gentleman from Concord, Mr. Lyford. I voted for that measure and worked for it when it was in the Convention before, a measure that was submitted to the people before and based on the Presidential vote. That measure was good enough; the amendment before us today, gentlemen, and based on population would give an additional representative to the city of Concord for the inmates of the Insane Asylum and State's Prison, and would be an absolute ruination of democratic government in this state, and would take away the representation from the smaller communities in the state, comprising the agricultural section. Under the proposed measure, there are only three towns in Grafton County that would have more than one representative, and only one in Coos County outside the city of Berlin. I am going to vote against this measure, as it is not a fair proposition. It benefits the cities at the expense of the country towns.

Mr. Pike of Lisbon moved that the resolution be indefinitely postponed.

The question being on the motion of Mr. Pike of Lisbon on indefinite postponement.

MR. LYFORD of Concord.—I know of no method of reducing this House that does not call for sacrifices on the part of almost all the towns and cities of the state. This calls for sacrifices on the part of the cities, and it calls for some but less sacrifice on the part of the towns. The towns gain what they do not have at the present time, because it takes three times the number required for the first representative added to the first to get an additional representative in the cities, whereas today it only takes twice that number. Now that is a good deal of a concession for the cities to make to the country towns.

On a *viva voce* vote, the motion to indefinitely postpone was not adopted.

The question being on the adoption of the amendments proposed in the resolution.

MR. HOYT of Sandwich.—I only just want a word. I am aware that we little fellows from the country towns do not cut much ice when it comes to discussing propositions as compared with lawyers and bankers who can put them into better language. I want to say that we considered this matter in a farmers' meeting this morning, and we voted fifteen to one, in that proportion in favor of the old amendment, the old resolution in preference to this one. The County of Carroll, which I chance to live in, will have but ten votes each year, with a few extra ones from the pro-rated towns. Will that represent a country largely territorial as Carroll County, as fairly compared with the City of Manchester with about forty, and the other cities.

MR. BRENNAN of Peterborough.—How many do you have now?

MR. HOYT of Sandwich.—Fourteen. I say it is not fair to the country towns. I believe that the other measure would pass, and if this proposed amendment is killed I shall certainly move to resubmit the amendment of last November. I believe that is fair to the country towns. I believe the cities while they oppose it to some extent will not again oppose it to the extent they did before. If they do let it stand where it is. I am not afraid of a House of 400 members or a little more. It is a mighty good school for a man who goes from the country town to come here and see how the laws are made. And for one I am willing to share my part of the expense unless we can get a fair and reasonable reduction in the interests of the rural towns. That is where I stand, and I certainly hope that this amendment will not prevail.

On a *viva voce* vote the amendments proposed in the resolution were adopted.

The resolution was then referred to the Committee on Time and Mode of Submitting to the People Amendments Adopted by the Convention.

No objection being made, Mr. Lyford of Concord introduced the following resolution:

Resolution No. 39, Resolution Amending Article 27 (28),

*Resolved*, That Article 27 (28) be amended by striking out the whole thereof and substituting the following: so that said article shall read,

ART. 27 (28). The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz., every inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially forever in the month of November to vote, in the town or parish wherein he dwells, for the senator in the district whereof he is a member; provided that nothing in this constitution shall prevent women from holding office to which they may be elected or appointed if otherwise qualified.

The resolution was read.

The question being on the adoption of the amendments as proposed in the resolution.

MR. LYFORD of Concord.—Mr. President, I desire to call your attention to this matter. It was called to my attention by members of the Supreme Court. I wish you would give me just a few moments of your attention. We have adopted the nineteenth amendment of the Constitution of the United States which confers suffrage on women. It over-rides so far as suffrage is concerned any prohibition in a state Constitution, but conferring suffrage on women does not confer upon them the right to hold office. We have in our Constitution in Article 27 the word "male," and that applies to the election and qualification of senators. The provisions of the Constitution in relation to the qualifications of governors and councillors relate back to this section which defines the qualifications of members of the Senate of the state.

Now this thing may occur. We are finding that both parties are nominating women for office. There was nominated and

elected, I believe, in one of our counties a register of probate who is a woman. Now then it may be that that particular case is not of great importance, but if one party in this state were to nominate a woman for governor and the other party nominated a man and the woman carried the most votes and the other party contested the election on the ground that the woman was not eligible under our Constitution, it puts a very difficult problem up to the Supreme Court of the state, and it puts a question that they always try to avoid because in this case it would be a partisan question between political parties. Now isn't it wise to submit an amendment to the Constitution that would strike out the word "male" in that provision of the Constitution and make a proviso at the end providing "that nothing in this Constitution shall prevent women from holding office to which they may be elected or appointed, if otherwise qualified?" I do not think any man need to be in favor of woman suffrage to see the necessity of this amendment to protect the Supreme Court from the contingency of having a partisan question put up for their decision; and therefore I would offer, Mr. President, this amendment that will strike out the word "male" in Article XXVII of the Constitution.

Probably striking the word "male" out of that line would be sufficient, but in order that this may be understood when it is submitted to the people that proviso is put in.

On a *viva voce* vote the amendments proposed in the resolution were adopted.

The resolution was then referred to the Committee on Time and Mode of Submitting to the People Amendments Adopted by the Convention.

MR. BARTLETT of Pittsfield.—We have adopted these amendments to be submitted to the people March 8, as I understand it?

THE PRESIDENT.—That has not yet been determined. It will be on report of the committee.

MR. BARTLETT of Pittsfield.—I think every step we have taken here today has been right. Now the next thing is to get these adopted when they are presented to the people. I have faith to

believe they would have been adopted last Fall if educational propaganda had been promulgated throughout the State of New Hampshire, so that the facts may be thoroughly understood, the situation and the necessity of adopting of these amendments. Now I feel that between now and the eighth of March, if that is the date—if that date be determined upon—I feel that the propaganda of education should be promulgated throughout the whole state of New Hampshire, and that a special effort should be made to inform the electorate of the necessity of adopting these amendments, and if in order I would move that the legislative committee which met last night and this morning and considered these amendments should constitute a committee to attend to that very important work.

THE PRESIDENT.—Mr. Bartlett of Pittsfield moves that the Committee on Legislative Affairs constitute a committee to inform the people with reference to these matters. I am not stating it in your words.

MR. BARTLETT of Pittsfield.—That is what I mean, Mr. President, that some special effort will be made to inform the voters of the necessity and importance of these amendments.

MR. LYFORD of Concord.—Let me ask the gentleman a question. I think I am in favor of that motion, although it means more work for me. I did pretty much of the work before to explain this thing, but we ought to have, if there is money left, a small amount, say \$200 to \$300, to get these facts into the country papers and to prepare printed matter. Will the gentleman withdraw his motion now and renew it a little later when we know what the situation is?

MR. BARTLETT of Pittsfield.—I will be very glad to.

On motion of Mr. Lyford of Concord, the following resolution was adopted:

*Resolved*, That the Secretary be instructed to procure twice the usual number of copies of the reference table in regard to the proposed amendment to reduce the membership in the



House, and that the Sergeant-at-Arms be instructed to procure a copy of the *Manchester Union* for each member.

No objection being offered, Mr. Metcalf of Concord introduced the following resolution:

Resolution No. 40, Resolution amendment Articles 98 and 99, providing for the submission of amendments to the Constitution by the legislature.

*Resolved*, That Articles 98 (99) and 99 (100) of the Constitution as it stands today, be stricken out and the following be substituted therefor:

Amendments to this Constitution may be submitted by a two-thirds vote of both branches of the General Court, at any regular session, and any such proposed amendment shall be voted on by the people at the annual town meeting next following, and at special meetings called for the purpose, in such cities as do not hold election on the second Tuesday in March; and if it appears that a two-thirds majority of all those present and voting, in the state, have approved the amendment, it shall become a part of this Constitution; but the General Court shall not have power to submit more than one amendment at any one session.

The resolution was read.

On motion of Mr. Lyford of Concord, the resolution was laid upon the table.

#### COMMITTEE REPORT.

Mr. Tobey of Temple, for the Committee on Journal, having considered the subject matter, reported the following resolutions with the recommendation that they be adopted.

*Resolved*, That the official reporters be directed to make a copy of the debates *verbatim*, and they be paid in full for

their services in copying said debates, the usual compensation of twenty-five cents for each hundred words for first copy, and five cents per hundred words for each additional, and that their account be audited by the Governor, who shall draw his warrant for the same.

*Resolved*, That the Secretary of the Convention be instructed to supervise the printing of the Journal of the Convention, eliminating such extraneous remarks as do not apply directly to the subject under discussion, and all unnecessary tabular matter, and to prepare and cause to be printed therewith a proper and extended index, under suitable headings, for ready reference to names, towns and subjects; and that his bill for compensation therefor, when audited and approved by the Governor and Council, be allowed and paid.

*Resolved*, That the Secretary be instructed to procure as soon as possible after the close of the Convention, 2,200 printed copies in pamphlet form, of said Journal, to be distributed as follows: One copy to each member and officer of the Convention, one copy to each town, to be kept in the office of the town clerk; one copy to each secretary of other states and territories, to be placed in their respective state or territorial libraries; one copy to each high school and normal school in our state; one copy to each public and circulating library in our state; five copies to Dartmouth College; five copies to the New Hampshire College of Agriculture and the Mechanic Arts; five copies to the New Hampshire Historical Society; ten copies to the New Hampshire State Library; 500 copies to be reserved for the use of members of future Conventions; and the remainder to be disposed of at the discretion of the Secretary of State.

*Resolved*, That in the event of the appropriation made for this Convention being exhausted before the publication of the Journal, as above provided, that the incoming legislature be requested to make such further appropriation as may be

necessary to carry into effect the object of these resolutions, and the President of this Convention be instructed to see that this matter is presented to said legislature.

On a *viva voce* vote, the motion prevailed.

MR. LYFORD of Concord.—I think there is a little slip in the last resolution. It says the "incoming legislature." I move to strike out the word "incoming." Will Mr. Tobey consent to that amendment?

MR. TOBEY of Temple.—Anything you suggest is all right.

THE PRESIDENT.—Mr. Tobey consents that this change shall be made.

On a *viva voce* vote, the amendment offered by Mr. Lyford of Concord was adopted.

#### COMMITTEE REPORT.

Mr. Pillsbury of Londonderry, for the Committee on Time and Mode of Submitting to the People the Amendments Adopted by the Convention, presented the following report:

#### THE STATE OF NEW HAMPSHIRE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-ONE.

In the Convention of delegates assembled at Concord on the twenty-eighth day of January, in the year of our Lord one thousand nine hundred and twenty-one, in pursuance to the resolution of adjournment adopted at the January session to the Convention to revise the Constitution, 1920, which adjournment was made subject to the call of the President, or in case of his death or disability, at the call of the Governor of the state; and in pursuance to the call issued by the President of the Convention to revise the Constitution and the Governor of the State of New Hampshire, dated January 20, 1921.

I. RESOLVED: That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the state at the regular election to be holden in the towns and

## JOURNAL OF CONSTITUTIONAL CONVENTION.

On the Tuesday next following the first Monday in March, at a special election to be called in the several wards and places which do not have regular elections on that date. Said voters acted upon at said meetings.

RESOLVED: That the selectmen of the several towns, wards and places in the state be and are hereby directed to insert in their warrants calling the said meetings an article to the following effect: to take the sense of the qualified voters whether they approve or disapprove of the proposed amendments and alterations to the Constitution proposed at the Constitutional Convention shall be approved.

RESOLVED: That the sense of the qualified voters shall be taken by ballot upon each of the following questions submitted by the Convention.

Do you approve of empowering the legislature to impose taxes on incomes which taxes may be classified, graduated and progressive, with reasonable exemptions?

Do you approve of providing in terms that taxes on property passing by will or inheritance may be classified, graduated and progressive, and with reasonable exemptions?

Do you approve of providing that the whole number of representatives in the House of Representatives shall not be less than one hundred nor more than three hundred and twenty-five; that representation shall be in proportion to the population, the power to make the apportionment of representatives at the following each federal census; and of providing that all be required for each representative additional to the one hundred times the number of inhabitants required for one representative, with the proviso that a town or ward which has less than the number of inhabitants required to entitle it to a representative all of the time may send a representative a proportionate part of the time?

Do you approve of striking out the word male in Article III relating to the qualification for voting; and of providing that females may hold office?

RESOLVED: That the Secretary of State be directed to have printed one hundred and thirty thousand copies of the Constitution as altered and amended by the Convention.

this Convention together with the alterations and amendments, and the same number of copies of the questions to be proposed to the qualified voters and the same number of these resolutions, and to cause such copies to be distributed immediately to the town clerks of the respective towns, wards and places in the state, for the use of the qualified voters in numbers proportionate as near as may be to the numbers of the legal voters in the said respective towns, wards and places; and it is made the duty of said clerks immediately to distribute such copies among said voters.

V. RESOLVED: That the Secretary of State be required to print said questions to be thus submitted upon a ballot for the towns and cities for said election, in conspicuous type in the manner and form above prescribed.

Upon the said ballots containing said questions shall be printed the word "yes" at the left hand with a square near it, and at the right hand the word "no" with a square near it, and the voter desiring to vote "yes" upon any one of said questions shall make a cross in the square near the word "yes," and if he desires to vote "no" he shall make a cross in the square near the word "no," and he shall do this as to each question upon which he desires to vote. All ballots cast where no cross is made in a square beside any question shall not be counted as to such question.

The Secretary of State shall cause to be printed at the bottom of each ballot distributed to the town clerks a note in plain and conspicuous type as follows: "Every voter who wishes to vote "yes" will make a cross in the square near the word "yes": if he wishes to vote "no" he will make a cross in the square near the word "no". If he make no cross in either square his ballot will not be counted."

VI. RESOLVED: That the town and ward clerks of the several towns and wards in the state shall make a true and certified copy of the record of the votes given in upon each of the said questions and shall forward the same in sealed packages to the Secretary of State within two days from the day of said election, and said clerks shall be subject to the same penalties as are by law prescribed for neglect to return the votes for Governor, and

the returns shall be by the Secretary of State seasonably laid before the Governor and Council.

VII. RESOLVED: That the Secretary of State is hereby directed to furnish to the town clerks of the different towns, wards and places suitable blanks for the return of the votes on said questions.

VIII. RESOLVED: That the Governor and Council, upon receipt of the returns of the vote upon the said questions shall canvass said returns and make a record thereof, and the Governor shall forthwith issue his proclamation announcing the result of the vote on each of said questions submitted to the people.

IX. RESOLVED: That such of the proposed amendments as shall be approved by the requisite number of votes shall take effect and be in force when their adoption is proclaimed by the Governor.

X. RESOLVED: That these resolutions, signed by the President of this Convention and attested by the Secretary of the Convention, shall be published once in all the weekly newspapers of the state authorized to publish public laws, and in the daily newspapers, and that the original journal, together with all the files of the Convention, shall be deposited in the office of the Secretary of State.

The report of the committee was accepted.

The question being on the adoption of the recommendation of the committee

And on that motion Mr. Pike of Lisbon called for a division.

Mr. Lyford of Concord moved, with the division pending, that the House take a recess for one hour and thirty minutes.

Mr. Lyford of Concord withdrew his motion.

Mr. Pike of Lisbon withdrew his call for a division.

The question being on the adoption of the report of the recommendations of the committee.

On a *viva voce* vote the recommendations of the committee were adopted.

Mr. Sargent of Pittsfield offered the following resolution:

*Resolved*, That the Committee on Legislative Department shall be a Committee on Publicity to inform the voters of the State concerning the amendments submitted by the Convention and that such portion of the sum of twelve hundred dollars as the committee deem advisable shall be expended by them. And the Governor is, hereby authorized to draw his warrant for such sums as said committee shall have expended in carrying out the purposes of this resolution. In no case, however, shall the total of such expenditure exceed the sum of twelve hundred dollars.

The question being on the adoption of the resolution.

MR. SARGENT of Pittsfield.—My resolution is that the legislative committee which met last night and this morning and which submitted these reports here to us act as a special committee to educate the electorate of the State of New Hampshire as to their duty in relation to the amendments which will be presented to them on the eighth of March. I believe these amendments would have been adopted in November if they had been properly informed as to the necessity for their adoption which I think they were not, but, however, we want them properly informed now, and if in order I would like to say that this committee ought not to do this without at least their expenses being paid, and I would have the committee use such portion of the \$1,200, which we have saved for the state today by giving our services—as may be needed by that committee.

On a *viva voce* vote the resolution was adopted.

Mr. Lyford of Concord moved to take from the table Resolution No 40, Resolution Amending Articles 98 and 99 providing for the Submission of Amendments to the Constitution by the legislature,

On a *viva voce* vote the resolution was not taken from the table.

MR. METCALF of Concord.—Am I voted down? May I have two minutes for personal explanation?

THE PRESIDENT.—Unless there is objection made the gentleman will have two minutes.

MR. METCALF of Concord.—Thank you. Mr. President and Gentlemen of the Convention: I presented this resolution out of the best of motives believing from the depths of my heart that if it got to the people it would be adopted. I did not do it to take any unnecessary time of the convention, but because I think it is in the interests of the people, and if they had a chance to vote on it it would be adopted. I think they have had enough of Constitutional Conventions, and I think we should do away with them, and I know that the people would be in favor of it if they got a chance to have their say thereon. This Convention has cost some \$50,000. We have got to call for the sense of the people in 1924 on whether we will have another or not, and if they call for another there will be another \$50,000 or \$100,000 expended when the legislature might just as well submit amendments to the people as to go to the expense of calling a Convention for that purpose. That is why I submitted this.

On motion of Mr. Lyford of Concord, the Convention took a recess of forty-five minutes.

#### AFTER RECESS.

THE PRESIDENT, (in the chair).

Mr. Hill of Plaistow, for the Committee on Finance, presented the following report and recommended its passage:

*Resolved*, That the officers and employees be allowed the respective sums placed opposite their names.

Wayne Plummer, Assistant Secretary.....	\$28.00
Lizzie Sanborn, Stenographer .....	10.00
William H. Haggett, Stenographer.....	10.00
Bessie A. Callaghan, Stenographer.....	10.00



Albert P. Davis, Doorkeeper .....	\$4.00
Edward K. Webster, Doorkeeper .....	4.00
Albert T. Barr, Messenger .....	4.00
George Goodhue, Doorkeeper .....	4.00
Melburn J. Diamond, Messenger.....	4.00
Ernest R Carpenter, Page .....	2.50
Walter Pillsbury, Page .....	2.50
Henry B. Knox, Doorkeeper .....	4.00
Harold H. Niles, Chaplain .....	4.00

That the following bill for incidental expenses  
be allowed: .

The <i>Union-Leader</i> Company .....	12.00
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The total amount of all the above bills as approved by the Finance Committee is..... \$103.00

That all other bills in connection with the session of this Convention be approved by the Governor and Council, and the Governor shall draw his warrant for the same.

The report of the committee was accepted and the recommendation was adopted.

Mr. Lyford of Concord offered the following resolution:

*Resolved*, That when the Convention adjourns today it adjourn to meet at the call of the President, or in case of his disability or death, at the call of the Governor of the State.

The question being on the adoption of the resolution.

MR. LYFORD of Concord.—I feel that the Gentleman from Concord, my colleague from Ward 7, was cut off in his personal explanation this morning, and I feel that if there is any wisdom that he desires to impart to this Convention in its closing hours that the Convention would welcome it, and I certainly should appreciate it, even though he pays a tribute to me, as he usually

does. There is no better citizen in this commonwealth than my friend, Mr. Metcalf of Ward 7, Concord. There has been no time in his long career when he has not stood for the interests of his city and the interests of his state. He is frequently wrong on public matters, but it is along the direction of his conscience; in everything that he does he is conscientious. It is simply those early environments from which I escaped when I joined the Republican party. It was difficult in those days, and that is back before the memory of many of you—in 1880, for one brought up as a Democrat to tear himself away from old associations. How much more difficult it is for a man who has fought for Democracy, interpreted Democracy, found fault with the leaders of Democracy, because their democracy did not square with his, to leave the party with which he has been so long associated; therefore, I say to this assembled company that I want them to take what he says and what he has said in the light of his early training and his later environments, always considering that down fundamentally deep the Gentleman from Ward 7 like the Gentleman from Peterborough, my old friend, that he wants to do the right thing.

MR. METCALF of Concord.—Mr. President and Gentlemen: I do not know whether I am really called upon to pay a tribute to my friend of long standing, the Gentleman from Ward 4 or not, but in view of the very complimentary and probably undeserved remarks which he has made, I will do now what I was proposing to do. I was proposing, Mr. President, to offer a resolution of thanks to the very able and distinguished floor leader of this Convention in the three sessions which have been holden, for the very able and impartial and very handsome manner in which he has handled himself and the Convention. Brother Lyford always does things handsomely, whether it be in the legislature, in the Constitutional Conventions that he has attended more frequently than anybody else and which he insists upon getting another chance to attend since he said he was opposed to my resolution for doing away with it. In all these places, and even the position of Chairman of the Bank Commission he has performed his duties ably, and to the general satisfaction of the people. I cannot speak as a Republican, because the Lord has saved me from any such affliction. I cannot speak as a Republican, but I think a considerable portion of the Republican party regard Brother

Lyford as a very able leader, and look up to him with respect and admiration, and I suppose they will continue to do for years to come so long as he may live which I hope may be half a century more at least, although he is now well along in life. But I will not go on. I thank Brother Lyford for his kindly remarks, and I move, Mr. President, that the thanks of this Convention be extended to the distinguished Gentleman from Ward 4, the floor leader of this Convention, for the able manner in which he has handled it for these three sessions.

MR. BRENNAN of Peterborough.—I second that motion. I thought what was developing into a scrap would be realized, but I see now it was a love feast. I have an idea, Mr. President, that this thing was all arranged, that this was a little skit that was all fixed up. I saw Mr. Metcalf and the Chairman of the Committee out here conferring together, and then I saw them going through some motions out there as if it was in rehearsal of what has happened here. I anticipated there might be a little excitement here, but it seems it has developed into a love feast, which I second.

On a *viva voce* vote, the motion prevailed.

MR. BRENNAN of Peterborough.—Mr. President, I have attended many sessions of the House and this session of the Convention, and I never have had the privilege of making a motion to adjourn, and I embrace that privilege at this time, with your permission to adjourn this Convention.

MR. METCALF of Concord.—I suggest the motion is not in order according to the rules of the Convention. It was made by a Democrat and no Democrat has any right to move to adjourn a Convention where two-thirds or three-fourths are Republican.

MR. BRENNAN of Peterborough.—I did not presume that a Democrat had a right to do that. Of course, Mr. Metcalf is entirely right about that, but I did it with the permission of the President, and with the President's permission, the Governor of the state, I think it would be sufficient to give me strength enough to pass along.

MR. METCALF of Concord.—I withdraw it.

On a *viva voce* vote, the convention adjourned to meet **at** the call of the President or in case of his death or disability, at the call of the Governor of the State.

BERNARD W. CAREY,  
*Secretary.*

A true copy—Attest:  
BERNARD W. CAREY,  
*Secretary.*

# APPENDIX

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## TABULATION OF REPRESENTATION UNDER PROPOSED AMENDMENT REDUCING HOUSE OF REPRESENTATIVES.

Showing the representation in the House of Representatives, if population is made the basis of representation. A population of 700 is taken as a unit for one representative, and an addition of three times that number as the requisite for additional representatives. Towns having less than 700 population are pro rated and divided into five classes to correspond with the five legislatures in each ten years or federal census period,—those of the first class being given representation all the time, those of the second class four-fifths of the time, those of the third class three-fifths of the time, those of the fourth class two-fifths, those of the fifth class one-fifth of the time. This gives a house of 321 members, as shown by the following tables. The apportionment to Manchester and Nashua by wards is shown by the last table.

## ROCKINGHAM COUNTY

Auburn, P. R.	1	Newton	1
Brentwood, P. R.	1	North Hampton, P. R.	1
Candia	1	Northwood	1
Chester, P. R.	1	Plaistow	1
Deerfield	1	Portsmouth:	
Derry	3	Ward 1	2
Epping	1	Ward 2	2
Exeter	2	Ward 3	1
Hampstead, P. R.	1	Ward 4	1
Hampton	1	Ward 5	1
Kingston	1	Raymond	1
Londonderry	1	Rye	1
Newcastle	1	Salem	1
Newmarket	2	Seabrook	1
Newington, P. R.	1		—
			34

## STRAFFORD COUNTY.

Barrington, P. R.	1	Rochester— <i>Concluded</i> :	
Dover:		Ward 4	1
Ward 1	2	Ward 5	1
Ward 2	2	Ward 6	1
Ward 3	1	Rollinsford	1
Ward 4	2	Somersworth:	
Ward 5	1	Ward 1	1
Durham	1	Ward 2	1
Farmington	1	Ward 3	1
Milton	1	Ward 4	1
Rochester:		Ward 5	1
Ward 1	1	Strafford	1
Ward 2	1		—
Ward 3	1		25

## BELKNAP COUNTY.

Alton	1	Gilmanton	1
Barnstead	1	Laconia:	
Belmont	1	Ward 1	1
Gilford	1	Ward 2	1

BELKNAP COUNTY—*Concluded.*

Laconia— <i>Concluded:</i>		Meredith	1
Ward 3	1	New Hampton	1
Ward 4	1	Sanbornton, P. R.	1
Ward 5	1	Tilton	1
Ward 6	1		—
			15

## CARROLL COUNTY.

Bartlett	1	Tamworth	1
Conway	2	Tuftonboro, P. R.	1
Moultonboro	1	Wakefield	1
Ossipee	1	Wolfeboro	1
Sandwich	1		—
			10

## MERRIMACK COUNTY.

Allenstown	1	Epsom, P. R.	1
Andover	1	Franklin:	
Boscawen	1	Ward 1	1
Bow, P. R.	1	Ward 2	1
Bradford, P. R.	1	Ward 3	1
Canterbury, P. R.	1	Henniker	1
Concord:		Hooksett	1
Ward 1	1	Hopkinton	1
Ward 2	1	Loudon, P. R.	1
Ward 3	1	New London	1
Ward 4	2	Northfield	1
Ward 5	1	Pembroke	1
Ward 6	2	Pittsfield	1
Ward 7	2	Sutton, P. R.	1
Ward 8	1	Warner	1
Ward 9	1		—
			32

## HILLSBOROUGH COUNTY.

Amherst	1	Goffstown	1
Antrim	1	Greenville	1
Bedford	1	Hillsborough	1
Bennington, P. R.	1	Hollis	1

HILLSBOROUGH COUNTY—*Concluded.*

Hudson	1	New Ipswich	1
Manchester	39	Pelham	1
Merrimack	1	Peterboro	1
Milford	2	Weare	1
Nashua	16	Wilton	1
New Boston	1		—
			73

## CHESHIRE COUNTY.

Alstead, P. R.	1	Keene— <i>Concluded:</i>	
Chesterfield, P. R.	1	Ward 5	1
Fitzwilliam	1	Marlboro	1
Hinsdale	1	Rindge, P. R.	1
Jaffrey	1	Swanzy	1
Keene:		Troy	1
Ward 1	2	Walpole	1
Ward 2	1	Westmoreland, P. R.	1
Ward 3	1	Winchester	1
Ward 4	1		—
			18

## SULLIVAN COUNTY.

Charlestown	1	Plainfield	1
Claremont	5	Sunapee	1
Cornish	1		—
Newport	2		11

## GRAFTON COUNTY.

Ashland	1	Lincoln	1
Bath	1	Lisbon	1
Bethlehem	1	Littleton	2
Bristol	1	Lyme	1
Campton	1	Orford, P. R.	1
Canaan	1	Piermont, P. R.	1
Enfield	1	Plymouth	1
Hanover	1	Rumney	1
Haverhill	2	Warren, P. R.	1
Holderness, P. R.	1	Woodstock, P. R.	1
Lebanon	3		—
			25



## COÖS COUNTY.

Berlin :		Lancaster	2
Ward 1	3	Milan	1
Ward 2	2	Northumberland	1
Ward 3	2	Pittsburg	1
Ward 4	2	Stewartstown	1
Colebrook	1	Stratford	1
Columbia, P. R.	1	Whitefield	1
Gorham	1		—
Jefferson	1		21

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	<hr/>
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## PRO RATED TOWNS.

ROCKINGHAM COUNTY—Danville, Fremont, Newfields, Nottingham, Stratham, and Windham, four legislatures out of five.

Atkinson, East Kingston, Greenland, Kensington, Sandown, three legislatures out of five.

South Hampton, two legislatures out of five.

STRAFFORD COUNTY—Lee, New Durham, four legislatures out of five.

Madbury, three legislatures out of five.

Middleton, two legislatures out of five.

BELKNAP COUNTY—Centre Harbor, four legislatures out of five.

CARROLL COUNTY—Freedom, Jackson, and Madison, four legislatures out of five.

Effingham, three legislatures out of five.

Albany, Bartlett, Brookfield, and Eaton, two legislatures out of five.

Hart's Location, one legislature out of five.

MERRIMACK COUNTY—Chichester, Danbury, Hill, Wilmot, four legislatures out of five.

Dunbarton, Newbury, Salisbury, and Webster, three legislatures out of five.

HILLSBOROUGH COUNTY—Brookline, Hancock, Lyndeboro, four legislatures out of five.

Deering, Frankestown, Greenfield, Mont Vernon, three legislatures out of five.

Litchfield, Mason, Temple, two legislatures out of five.

Sharon and Windsor, one legislature out of five.

CHESHIRE COUNTY—Gilsum, Harrisville, four legislatures out of five.

Dublin, Marlow, Richmond, three legislatures out of five.

Nelson, Stoddard, Sullivan, Surry, two legislatures out of five.

Roxbury, one legislature out of five.

SULLIVAN COUNTY—Acworth, Grantham, Unity, four legislatures out of five.

Goshen, Lempster, Springfield, and Washington, three legislatures out of five.

Croydon and Langdon, two legislatures out of five.

GRAFTON COUNTY—Alexandria, Franconia, Grafton, Landaff, Thornton, and Wentworth, four legislatures out of five.

Lyman and Monroe, three legislatures out of five.

Benton, Bridgewater, Dorchester, Groton, Hebron, and Orange, two legislatures out of five.

Easton, Ellsworth, Livermore, and Waterville, one legislature out of five.

COÖS COUNTY—Dalton, four legislatures out of five.

Carroll, Clarksville, Stark, three legislatures out of five.

Dummer, Errol, and Shelburne, two legislatures out of five.

Randolph and Wentworth's Location, one legislature out of five.

#### MANCHESTER.

Ward 1	2	Ward 8	4
Ward 2	3	Ward 9	2
Ward 3	3	Ward 10	2
Ward 4	2	Ward 11	3
Ward 5	6	Ward 12	3
Ward 6	3	Ward 13	3
Ward 7	3		—
			39

NASHUA.

Ward 1	2	Ward 6	1
Ward 2	1	Ward 7	2
Ward 3	2	Ward 8	3
Ward 4	1	Ward 9	3
Ward 5	1		—
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Introduced, read, printed, referred, 63; as, report of Committee, 135; report adopted, 136.

***Resolution No. 5, Relating to Taxation.***

Introduced, read, printed, referred, 64; Committee of the Whole, 125; as, reported in new draft, 24; table to print, 25; taken from table, 31; in Committee of the Whole, 38; amendment to, 45, 54; report of Committee of the Whole, 58; report adopted, 58; referred to Committee on Time and Mode, 58; reported from Committee, 376, report adopted, 376.

***Resolution No. 6, Relating to Pensions.***

Introduced, 64; read, printed, referred, 65; as, reported from Committee with amendment, laid on table, 219; taken from table, 219; amendment, 305; amendment adopted, referred to Committee on Time and Mode, 306; notice to reconsider, 333; reconsideration, 338; division, 362; reported from Committee, report adopted, 377.

*Resolution No. 7, Relating to Candidates for Office.*

Introduced, read, printed, referred, 65; as, report of Committee, laid on table, 79; taken from table, 336; report adopted, 337.

*Resolution No. 8, Relating to Future Amendments to the Constitution.*

Introduced, read, printed, referred, 66; as, report of Committee, 136; report adopted, 137.

*Resolution No. 9, Relating to Trial by Jury.*

Introduced, 66; read, printed, referred, 67; as, reported from Committee, report adopted, 304.

*Resolution No. 10, Relating to An Alternative Method of Amending the Constitution.*

Introduced, read, printed, referred, 68; as, report of Committee, report adopted, 136.

*Resolution No. 11, Creating the Office of Legislative Draftsman.*

Introduced, read, printed, referred, 71; as, report of Committee, report adopted, 135.

*Resolution No. 12, Relating to the Governor and Council.*

Introduced, 71; read, printed, referred, 72; as, report of Committee, report adopted, 137.

*Resolution No. 13, Relating to Future Mode of Amending the Constitution.*

Introduced, 72; read, printed, referred, 73; as, report of Committee, report adopted, 136.

*Resolution No. 14, Relating to Bill of Rights.*

Introduced, read, printed, referred, 108; as, report of Committee, report adopted, referred to Committee on Time and Mode, 134; reported from Committee, report adopted, 376.

*Resolution No. 15, Relating to the Referendum of Measures Enacted and Rejected by the General Court and Future Mode of Amending the Constitution.*

Introduced, 109; reading dispensed, printed, referred, 112; as, report of Committee with amendment, 218; laid on table, 219; taken from table, 306; to indefinite postpone, 330; roll call, 330.

*Resolution No. 16, Relating to the Governor's Council.*

Introduced, 112; read, printed, referred, 113; as, reported from Committee, 194; minority report, 195; laid on table, 195; taken from table, special order, 333; motion to substitute minority for majority report, 363; report of Committee, report adopted, 373.

*Resolution No. 17, Relating to Limitation of Taxation.*

Introduced, read, printed, referred, 113; as, report of Committee, report adopted, 135.

***Resolution No. 18, Relating to the General Court.***

Introduced, 114; read, 118; printed and referred, 119; as, Committee of the Whole, 219; motion to report from Committee, 241, 257; motion to refer to Legislative Department, 245; reported from Committee, report adopted, 284.

***Resolution No. 19, Relating to Representation in the House of Representatives.***

Introduced, read, printed, referred, 119; as, Committee of the Whole, 219; motion to report from Committee, 241, 257; motion to refer to Legislative Department, 245; reported from Committee, report adopted, 284.

***Resolution No. 20, Relating to Conferring Upon the General Court the Power to Impose and Levy Reasonable Assessments, Rates, and Taxes, and to Classify the Subject of Taxation.***

Introduced, 120; read, printed, referred, 121; as, motion to recall from Committee on Legislative Department and commit to Committee of the Whole, 31; reported from Committee, 62; in Committee of the Whole, 63, 81; report of Committee, 75, 99; amendment to, 81; to report inexpedient, 97; division, 99.

**ADJOURNED SESSION AND SPECIAL SESSION.**

***Resolution No. 21, Giving the Governor Authority to Veto Items in Appropriation Bills.***

Introduced, read, printed, referred, 19, 20, 21; reported from Committee, 199; report adopted, referred to Committee on Time and Mode, 200; reported from Committee, report adopted, 376.

***Resolution No. 22, Relating to the Taxation of Growing Wood and Timber.***

Introduced, 19; read, printed, referred, 21; reported from Committee in new draft, 77; minority report, 78; laid on table, 78; new draft printed, 78; taken from table, 103; motion to substitute minority report for majority report, 103; Committee of the Whole, 103; amendment to, 103; amendment adopted, 104; report of Committee, 132, 190; in Committee, 141; motion to report, 187; amendment to motion, 188; division, 189; roll call, 190; pairs, 193; notice to reconsider, 193, 203; reconsideration, 300; roll call, 301.

***Resolution No. 23, Relating to the Right of Suffrage.***

Introduced, 21; read, printed, referred, 22; reported from Committee, 304; report adopted, 305.

***Resolution No. 24, Relating to the Right of Suffrage and Holding Office.***

Introduced, 22; read, printed, referred, 23; as, reported from Committee, report adopted, 305.

*Resolution No. 25, Relating to the House of Representatives and Senate and the Compensation of the Officers and Members Thereof.*

Introduced, 23; read, printed, referred, 24; Committee of the Whole, 219; motion to report from Committee, 241, 257; motion to refer to Legislative Department, 245, 253; amendment to motion, 255, 256; division, 257; reported from Committee, report adopted, 284.

*Resolution No. 26, Relating to Salaries of Members of the General Court.*

Introduced, read, printed, referred, 29; reported from Committee, report adopted, 305.

*Resolution No. 27, Relating to the Taxation of Property when Passing by Will or Inheritance.*

Introduced, 29; read, printed, referred, 30; report of Committee, report adopted, amendment to report, 134; amendment adopted, resolution adopted, referred to Committee on Time and Mode, 135; reported from Committee, report adopted, 376.

*Resolution No. 28, Relating to the Senate.*

Introduced, 60; read, printed, referred, 61; reported from Committee, report adopted, 304.

*Resolution No. 29, Relating to the House of Representatives.*

Introduced, 61; read, printed and referred, 62; Committee of the Whole, 219; motion to refer to Legislative Department, 245; motion to report, 283; reported from Committee, report adopted, 284.

*Resolution No. 30, Relating to Salary of Governor and Council.*

Introduced, 79; read, printed, referred, 80; reported from Committee, report adopted, 203.

*Resolution No. 31, Relating to House of Representatives.*

Introduced, read, printed, referred, 80; Committee of the Whole, 220; motion to refer to Legislative Department, 245; motion to report, 283; reported from Committee, report adopted, 284.

*Resolution No. 32, Amending the Bill of Rights by Striking Out Article 13.*

Introduced 80; read, printed, referred, 81; reported from Committee, 195; recommitted to Committee, 199; recalled from Committee, 334; referred to Committee on Time and Mode, report adopted, 336; reported from Committee, report adopted, 376.

*Resolution No. 33, Relating to the Powers of Towns.*

Introduced, read, printed, referred, 81; reported from Committee, report adopted, 338.

*Resolution No. 34, Relating to the House of Representatives.*

Introduced, 100; read, printed, referred, 101; Committee of the Whole, 220; motion to refer to Committee of Legislative Department, 245; motion to report from Committee, 272, 282; reported from Committee with amendment, 284; referred to Legislative Department, 286; reported from Committee, 293; consideration of report, 295; printed, referred to Committee on Time and Mode, 300; reported from Committee, 376; report adopted, 376.

*Resolution No. 35, Relating to Advertising in Public Places.*

Introduced, 101; read, printed, referred, 102; reported from Committee, report adopted, 338.

*Resolution No. 36, Relating to An Income Tax.*

Reported from Committee, 395; read, 396; amendment to, 397; amendment not adopted, 412; division, 412; amendment to, 412; amendment not adopted, 413; division, 413; report adopted, 413; referred to Committee on Time and Mode, 414; reported from Committee, 431.

*Resolution No. 37, Providing for An Inheritance Tax.*

Reported from Committee, read, 414; report adopted, 415; referred to Committee on Time and Mode, 415; reported from Committee, 431.

*Resolution No. 38, Providing for A Reduction in the House of Representatives.*

Reported from Committee, read, 416; motion to indefinite postpone, 424; report adopted, 425; referred to Committee on Time and Mode, 425; reported from Committee, 431.

*Resolution No. 39, Amending Article 27 (28).*

Introduced, 425; read, adopted, 427; referred to Committee on Time and Mode, 427; reported from Committee, 431.

*Resolution No. 40, Amendment Articles 98 and 99, Providing for the Submission of Amendments to the Constitution by the Legislature.*

Introduced, read, laid on the table, 429; motion to take from table, 435.







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